

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

FEDERAL TRADE COMMISSION,  
Plaintiff,  
v.  
CYBERSPACE.COM, LLC, et al,  
Defendants.

Case No. C00-1806-L

FILED  
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ENTERED  
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MAR 8 2002  
AT SEATTLE  
CLERK U.S. DISTRICT COURT  
BY WESTERN DISTRICT OF WASHINGTON  
DEPUTY

Exhibits in Support of Plaintiff's Motion for Summary Judgment

VOLUME VIII



CV 00-01806 #00000137

Exhibits in Support of Plaintiff's  
Motion for Summary Judgment  
C00-1806-L

Federal Trade Commission  
600 Pennsylvania Ave NW  
Washington, DC 20580  
202-326-3338 (Ms. Guerard)

137

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON**

**FEDERAL TRADE COMMISSION,**  
**Plaintiff,**

**v.**

**CYBERSPACE.COM, LLC, et al,**

**Defendants,**

**Case No. C00-1806-L**

**Exhibits in Support of Plaintiff's Motion for Summary Judgment**

**VOLUME VIII**

**Exhibits 58-264**

**Exhibit Number**

**Document**

***Deposition Exhibits and Excerpts from Deposition Transcripts***

Exh. 58	Promissory Note, signed by Lia Yagelowich.
Exh. 61	Copies of cashed Cyberspace solicitation checks, various dates.
Exh. 62	Essex Enterprises, LLC marketing material.
Exh. 63	Cashed Essex Enterprises, LLC solicitation check, March 9, 1999
Exh. 64	Surfisp com, Surfnet.Services, LLC marketing material.
Exh. 65	Splashnet.net marketing material
Exh. 83	Email from Don Reese to Wayne Chia, et al., re: Cyberspace Log in Audit request, February 4, 2000.

Exh 122                      Various printouts from "Cyberspace com \* Surfisp com \*  
                                    Splashnet.net CSR"

Exh. 123                      Cyberspace.com Customer Support

Exh. 136                      Consumer complaint from Carolina Mop Manufacturing Company  
                                    to Olympic

Exh. 147                      Email from ian@usnetwork.com to buffw@ibm.net, re: Consumer  
                                    Insert, August 3, 1999.

Exh 166                      Declaration of Lia Yagelowich in Support of Ex Parte Order to  
                                    Show Cause and Temporary Restraining Order, September 27,  
                                    2000.

Exh. 173                      Email from Brian March to Lia Yagelowich, et al., re: Cyberspace  
                                    refund, November 5, 1999

Exh 260                      Deposition of Chris Hebard, February 4, 2002.

Exh. 262                      Deposition of Ian Eisenberg, February 6, 2002.

Exh. 264                      Deposition of Don Reese, February 8, 2002.

## PROMISSORY NOTE

\_\_\_\_\_, 1999

The undersigned (the "*Maker*"), promises to pay ELECTRONIC PUBLISHING VENTURES, LLC, a Delaware limited liability company (including any subsequent holder or holders of this Promissory Note, the "*Payee*"), a principal sum equal to the sum of advances made by Payee to Maker, plus interest on the unpaid principal balance thereof (the "*Principal Balance*") at the rate of 12% per annum, as set forth in this Promissory Note.

### Section 1. Payment Terms.

(a) *Interest.* Interest on the Principal Balance shall accrue and be calculated on the basis of a 365-day year and actual days elapsed.

(b) *Principal.* The Principal Balance and accrued interest shall be payable on demand upon thirty (30) days written notice from Payee.

(c) *Prepayments.* The Maker may make prepayments of principal at any time and from time to time at its sole option, without premium or penalty.

(d) *Application of Payments.* All payments under this Promissory Note shall be applied first to accrued, but unpaid interest, and then to reduce the Principal Balance.

### Section 2. Default.

The occurrence of any one or more of the following events shall constitute a default under this Promissory Note (a "*Default*"): (i) the failure of the Maker to pay when due any principal of or interest on this Promissory Note, and the continuation of such failure for five (5) days after such failure; (ii) the filing of a voluntary petition for relief in a case under the Bankruptcy Code as to the Maker; (iii) the filing by the Maker of any petition for relief under any state insolvency or similar law; and (iv) the filing of an involuntary petition under the Bankruptcy Code or any state insolvency or similar law against the Maker, which petition is not dismissed within seventy-five (75) days after its filing. Whenever there is a Default under this Promissory Note, the Payee, at its option, may declare all amounts payable under this Promissory Note immediately due and payable, and exercise any or all rights and remedies available to it hereunder, or under applicable laws.

### Section 3. Place of Payment and Notices

(a) *Place of Payment.* All payments on this Promissory Note shall be paid at the offices of the Payee set forth for notices in subsection (b), or such other place as may be specified by the Payee from time to time.

(b) *Notice.* Any notice or other communication required or permitted to be given hereunder shall be in writing, and shall be delivered to the parties at the addresses set forth below (or to such other addresses as the parties may specify by due notice to the others). Notices or



E-0023911

other communications given by certified mail, return receipt requested, postage prepaid, shall be deemed given three (3) days after the date of mailing. Notices or other communications sent in any other manner shall be given only when actually received.

**Maker:** Cyberspace.com, LLC  
110 West 9th Street, Suite 588  
Wilmington, DE 19801

**Payee:** Electronic Publishing Ventures, LLC  
Griffin Towers  
6 Hutton Center, Suite 1100  
Santa Ana, CA 92707

#### **Section 4. Schedule of Advances.**

The Payee shall, and is hereby authorized by the Maker to, endorse on Schedule A forming a part of this Promissory Note (or on a continuation of such Schedule) appropriate notations evidencing the amount of each unreimbursed advance or readvance, the date of each such advance or readvance, and the date and amount of each repayment of principal and interest, if any, received by the Payee. In any legal action or proceeding in respect of this Promissory Note, the entries made on such grids shall be presumptive evidence of the existence and amounts of the obligations of the Maker therein recorded. The failure to record any such amount shall not, however, limit or otherwise affect the obligations of the Maker hereunder to repay all amounts owed hereunder and pursuant to the Operating Agreement

#### **Section 5. Miscellaneous.**

Each right, power and remedy of the Holder under this Promissory Note or under applicable laws shall be cumulative and concurrent, and the exercise of any one or more of them shall not preclude the simultaneous or later exercise by the Holder of any or all such other rights, powers or remedies. No failure or delay by the Payee to insist upon the strict performance of any one or more provisions of this Promissory Note or to exercise any right, power or remedy consequent upon a breach hereof or default hereunder shall constitute a waiver thereof, or preclude the Payee from exercising any such right, power or remedy. No modification, change, waiver or amendment of this Promissory Note shall be deemed to be made unless in writing signed by the party to be charged. If it becomes necessary to employ counsel to collect this obligation, the Maker agrees to pay reasonable attorneys' fees for legal services involved. The Maker and each endorser, guarantor, accommodation party and surety of this Promissory Note hereby waive demand, presentment for payment, protest, notice of dishonor and notice of protest. This Promissory Note shall inure to the benefit of and be binding upon the parties and their respective successors and assigns. The invalidity, illegality or unenforceability of any provision of this Promissory Note shall not affect or impair the validity, legality or enforceability of any other provision. This Promissory Note shall be deemed to be made in, and shall be governed by the laws of, the State of California.

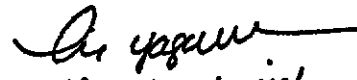
WITNESS:



MAKER

CYBERSPACE.COM, LLC

By: Electronic Publishing Ventures, LLC,  
its sole Member

By:   
Name: Lia Yagelowich  
Title: President

E-0023913

## Schedule A

### Amounts Outstanding Under the Promissory Note

<u>Date of Advance</u>	<u>Amount of Advance</u>	<u>Interest Rate</u>	<u>Amount of Principal Repayment</u>	<u>Date Principal Repayment is Made</u>	<u>Amount of Interest Repayment</u>	<u>Date of Interest</u>
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E-0023914

PO Box 1591 • Helena, Montana 59624

**011005**

DATE: 1/29/98  
RE: 707-942-6033

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**FIRST UNITED NATIONAL BANK**  
CHICAGO, ILL. 60604

Authorized Signature

14-00000 350

**REPORT OF THE**

PAY TO THE ORDER OF  
WESTAMERICA BANK N.A.  
CALISTOGA, CA 94515

194140210

POSTAL DEPOSIT ONLY  
STOGA PRESS, INC.

130061620

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**Tejano-based Writers**

1997

**EXHIBIT**

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CYBERSPACE.COM, LLC  
P.O. Box 1891  
Helena, Montana 59624

255246

RE 864-225-8351

DATE March 15 19 99

PAY Three Dollars & Fifty Cents

\$3.50

88-186  
631

22



VOID AFTER 30 DAYS

PAY TO THE ORDER OF  
Carolina Mop Mfg Co  
PO Box 5072  
Anderson, SC 29623-5072

FIRST UNION NATIONAL BANK  
FIRST UNION CENTER, INC. 2514



*[Signature]*

255246 1053101561 2079900058000

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FOR DEPOSIT ONLY  
CAROLINA MOP MFG CO  
NATIONSBANK  
OF SOUTH CAROLINA  
COB 100457464  
1053101561  
2079900058000

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ATTENTION: NATIONSBANK, P.O. Box 1891, Helena, Montana 59624  
NATIONSBANK, P.O. Box 1891, Helena, Montana 59624  
NATIONSBANK, P.O. Box 1891, Helena, Montana 59624

775940

**CYBERSPACE.COM, LLC**

PMR 130  
1148 Pulaski Hwy  
Bear, DE 19701-1306  
1-888-285-5196

RE: 903-455-3876

DATE: June 07, 1999

PAY Three Dollars & Fifty Cents

\$3.50

66-156  
531

17

PAY  
TO THE  
ORDER OF

\*\*\*\*\* 3-DIGIT 754  
Kent's Metal Craft Inc  
4702 Lee St  
Greenville, TX 75401-3660



FIRST UNION NATIONAL BANK  
CHAPEL HILL, NC 27514

VOID AFTER 30 DAYS

*[Handwritten Signature]*

⑈ 775940 ⑈ ⑆05310156⑆ ⑈ 2079900058000⑈

⑈0000000350⑈

This solicitation check must be cashed or deposited within thirty days of issuance. Endorsement and deposit constitute agreement of desire to utilize service and agreement pursuant to terms attached. PAYEE agrees to term of \$29.95 monthly, due and payable in advance. Payee acknowledges that they are qualified and, in fact, they authorize their agents to appear on their phone bill as listed on reverse. Payee acknowledges that cancellation of subscription and refund in full, is effected by calling toll-free number attached within thirty days of service activation.

PHONE CHECK HERE

FOR DEPOSIT ONLY

ACCOUNT #  
9475048516

1031 33077

DO NOT SIGN/STAMP BEYOND THIS LINE  
(FOR FINANCIAL INSTITUTIONS ONLY)

110  
1005/0000  
BANK ONE  
1501 PARKWOOD  
DALLAS, TX 75201

USE THIS SPACE TO CORRECT ANY INFORMATION  
AND TELEPHONE NUMBER AS NEEDED  
6/7/99  
CYCLE 3  
MOD 11-4  
V3000

Telephone Number ( )

Name

Address

SEE YOUR PHONE BILL FOR DETAILS

You will receive a bill for this service. Please pay it on time. If you do not, your service will be discontinued.

### Check Description

Co Name: ENCHANTMENT CONTRACTING  
Address: 154 N LANE AVE  
City: TRUTH CONSO  
State: NM  
Zip: 87901

**CyberSpace.com, LLC**  
 714-570  
 5121 Pineda Hwy  
 Long, UT 84041-1308  
 1-888-285-5196

FIRST URECH NATIONAL BANK  
CHAPEL HILL NC 27514

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486 806-834-0518

DATE July 13, 1998

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**ENR TO THE ORDER OF**

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Enchantment Contracting  
164 N Lane Ave  
Tucun, NM 87901-2801

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Cyberspace.com, LLC

PMB 330  
1148 Pulaski Hwy.  
Bear, DE 19701-1306  
1-888-285-5196

FIRST UNION NATIONAL BANK  
CHAPEL HILL, NC 27514

5098082

THREE DOLLARS AND 50/100

517-789-7186

September 24, 1999

\$3.50

PAY  
TO THE  
ORDER  
OF

AUTO \*\*\*\*\* 3-DIGIT 492  
Motel 6  
830 Royal Dr  
Jackson, MI 49202-2074



Security Signature

5098082 053101561 2079900058000 0000000350

This solicitation check must be cashed or deposited within 60 days of issuance. Endorsement and deposit constitute agreement of desire to utilize service and agreement pursuant to terms attached. NOTICE: We agree to terms of \$29.95 monthly, due and payable in advance. Payee acknowledges that they are qualified and, in fact, do authorize these charges to appear on their phone bill as listed on the back of this check. Payee acknowledges that cancellation of subscription and in full, is effected by calling toll-free number attached within 30 days of service activation.

PAY TO THE ORDER OF  
COMERICA BANK  
DETROIT, MICHIGAN  
MOTEL 6-  
JACKSON #1088  
ACCT. #1840434409

DO NOT SIGN / WRITE / STAMP BEYOND THIS LINE  
FOR FINANCIAL INSTITUTION USE ONLY

0272000096

E-0025536

Verify that your name, address and phone number are correct as printed on the front of this check. If incorrect, make changes below.

Telephone Number: 72 00 108 490 30 71

Name: JACKSON, MI 49202-2074

Address: 830 ROYAL DR JACKSON, MI 49202-2074

Security Signature: [Signature]

Security features on this document include a MicroPrint Security Line and a Security Thread. Numbers of these features may be located on the back of this check.

Cyberspace.com, LLC

PMB 330  
1148 Pulaski Hwy.  
Braz, DE 19701-1306  
1-888-285-5196

FIRST UNION NATIONAL BANK

CHAPEL HILL, NC 27514

7176026

50-55  
57

004334 4239 0146  
\*\*\*\*\*THREE DOLLARS AND 50/100\*\*\*\*\*001106301

RE: 408-522-9599

DATE: October 13, 1999

AMOUNT: \$3.50

PAY  
TO THE  
ORDER  
OF

AUTO \*\*\*\*\* 5-DIGIT 94086  
Ebv Electronics  
1295 Oakmead Pkwy  
Sunnyvale, CA 94086-4040

|||||

Security Signature

*[Signature]*

⑈ 7176026 ⑈ ⑆053101561⑆ 2079900058000⑈

⑈0000000350⑈

This solicitation check must be cashed or deposited within  
thirty days of issuance. Endorsement and deposit  
constitute agreement of desire to utilize service and  
agreement pursuant to terms attached NOTICE. Payee  
agrees to terms of \$24.95 monthly, due and payable in  
advance. Payee acknowledges that they are qualified and,  
in fact, do authorize these charges to appear on their  
phone bill as listed on reverse. Payee acknowledges that  
cancellation of subscription and refund in full, is effected  
by calling toll free number attached within thirty days of  
service activation.

ENDORSE HERE

DO NOT SIGN / WRITE / STAMP BELOW THIS LINE  
FOR CANCELLATION PURPOSES ONLY

Verify that your name, address and phone number are correct as  
printed on the front of this check. If corrected, please sign below.

Telephone Number / 1011

Name

Address

Security Signature on the reverse side of this check is required for cashing.  
If you do not sign, your funds may be lost.

**ESSEX ENTERPRISES, LLC**  
 516 N. Fifth Street  
 Blinnick, ND 58502

**ATTENTION FINANCIAL INSTITUTION:**  
 Check must be endorsed with payee's signature to be  
 valid for cashing and/or deposit. If your address or  
 telephone number is printed incorrectly, please make  
 changes on the reverse side.  
 CHECK EXPIRES 30 DAYS FROM DATE OF ISSUE.

RE: 702-897-9463

DATE February 10 19 99

074263

PAY Three Dollars & Fifty Cents

\$3.50

51

VOID AFTER 30 DAYS

PAY TO THE ORDER OF  
 Town Pump Liquors Inc  
 1725 E Warm Springs Rd  
 Las Vegas, NV 89119-0420

FIRST UNION  
 NATIONAL BANK  
 CHAPEL HILL, NC 27514

*Quadrin*

⑈074263⑈ ⑆053101561⑆2079900056853⑈

**ESSEX ENTERPRISES, LLC**

000037269/73401

REFERENCE NO.	ADJUSTMENTS	INVOICE DATE	INVOICE AMOUNT	DISCOUNT TAKEN	AMOUNT PAID
51	N/A	N/A	N/A	\$3.50	\$3.50
CHECK DATE	CHECK NO.	PAYEE		DISCOUNT TAKEN	CHECK AMOUNT
02/10/99	074263	TOWN PUMP LIQUORS INC		\$3.50	\$3.50

EXHIBIT

62-Hebard  
 TZ

H-0008231



This subscription refund check must be cashed or deposited within thirty days of issuance. Endorsement and deposit constitute agreement of subscription described in terms (attached) Payee agrees to terms of \$19.95 monthly, due and payable in advance. Payee acknowledges that they are qualified and, in fact, do authorize these charges to appear on their phone bill as listed on reverse. Payee acknowledges that cancellation of subscription and refund in full, is effected by calling toll-free number attached within thirty days of listing installation.

ENDORSE CHECK HERE

DO NOT SIGN/RITE/STAMP BELOW THIS LINE  
FOR FINANCIAL INSTITUTION USE ONLY\*

\*FEDERAL RESERVE BANK REGULATIONS CC

The security features listed below, as well as those not listed, exceed FSA guidelines



**Security Features:**

Microprint signature line



Security screen

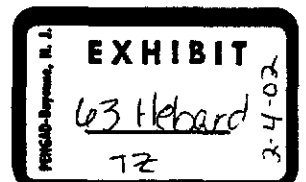
**Result of document alteration:**

- Small type in signature line appears as dotted line when photocopied
- Absence of "Original Document" verbiage on back of check

Basic html commercial site subscription (BHCSS), standard terms: check enclosed herewith is a valid check. May be cashed or deposited in payees account. Basic html commercial site subscription offered by Essex Enterprises, LLC, an independent reseller of internet html advertising and commercial directory listings. Licensed DBA of yellow-page com, not affiliated with AT&T, G.T.E., Southwest Bell, US WEST, Pactel, Ameritech, or any local or long-distance telephone company. Listing or advertisement published and accessible world wide on internet only at the following url: www.yellow-page com, 24 hours per day, 365 days per year. Endorsement and deposit by payee constitute a valid request for service described hereon. Fee for BHCSS is \$19.95 per month, billed through Olympic on local phone bill or by mail. Satisfaction guaranteed. This agreement shall be governed by and interpreted in accordance with the laws of the state of Delaware. And shall not without the express written prior consent of publisher be transferred or assigned. An adjustment in charges shall not be warranted by the suspension of the client's telephone service, modification of address, relocation, or moving. Provider warrants that the advertising will be published in its internet business directory accessible at www.yellow-page com; No verbal statement, other warranty, or guarantee expressed or implied, including that of marketability, benefits, results, fitness for any particular purpose is being made. THE PROVIDER, ITS RESPECTIVE AGENTS, RESELLERS, AND EMPLOYEES' LIABILITY IN PERFORMING THEIR RESPONSIBILITIES UNDER THIS AGREEMENT, ARISING OUT OF ANY CLAIM OR ERROR OR OMISSION, MISCLASSIFICATION, OR FAILURE TO PUBLISH ANY ITEM SHALL BE LIMITED ONLY TO THE FEES PAID FOR THAT ADVERTISEMENT OR LISTING ITEM OFFERED ON THE FACE OF THIS AGREEMENT. THE CLIENT GRANTS PROVIDER THE RIGHT TO MODIFY CLASSIFICATION TO CONFORM WITH DIRECTORY AND SHALL HOLD SAME HARMLESS AND SHALL INDEMNIFY SAME WITH RESPECT TO ANY CLAIMS OF INFRINGEMENT OR SIMILAR CLAIMS IN CONNECTION WITH ANY MATERIAL, INCLUDING TRADEMARKS, SERVICE MARKS, COPYRIGHTED MATERIAL ETC. SUPPLIED OR ACCESSED BY CLIENT. The subscription will occur on a month-to-month basis thereafter, at the rates in effect, until cancelled by the client. Provider reserves the right to cancel at any time; any refund due will be prorated. Courtesy listings for nonrespondents as well as other items not charged for may or may not be included at providers' sole discretion. © 1998 Essex Enterprises, LLC. All rights reserved. 1-800-929-4775.

H-0008232

<b>ESSEX ENTERPRISES, LLC</b> 316 N. Fifth Street Bismarck, ND 58502	<b>ATTENTION FINANCIAL INSTITUTION:</b> Check must be endorsed with payee's signature to be valid for cashing and/or deposit. If your address or telephone number is printed incorrectly, please make changes on the reverse side. CHECK EXPIRES 30 DAYS FROM DATE OF ISSUE.	<b>576074</b>  RE: <u>843-525-3301</u>  DATE <u>March 19</u> 19 <u>99</u>
PAY <i>Three Dollars &amp; Fifty Cents</i>		\$3.50 <span style="float: right; font-size: small;">66-156 531</span>
		120022107 03-29-99 0530 0132 03 53
VOID AFTER 30 DAYS		
PAY TO THE ORDER OF	Morale Welfare & Recreation PO Box 5100 Parris Island, SC 29905-0100 	FIRST UNION NATIONAL BANK CHAPEL HILL, NC 27514  030296782 03-29-99 0530 0132 03 53 
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H-0008249

Page 12 of 12

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Name: 0000  
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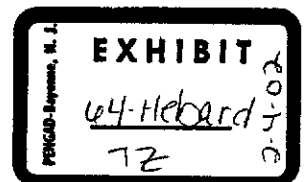
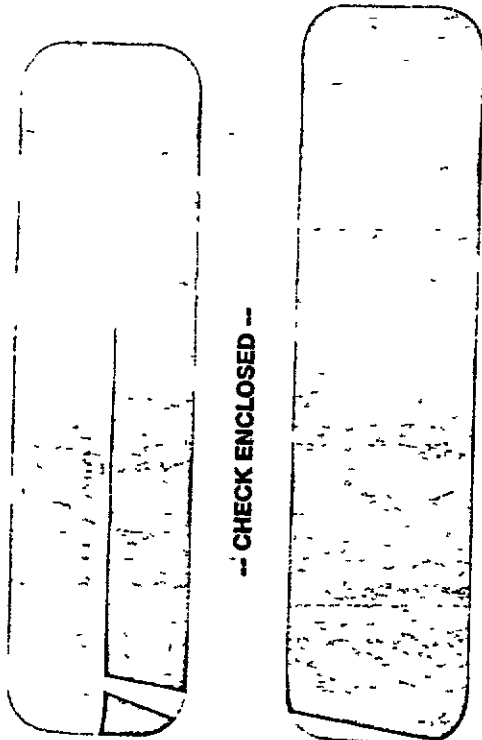
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*f.b.*

-- CHECK ENCLOSED --



E-0024496

**FIRST UNION NATIONAL BANK**

CHAPEL HILL, NC 27514

0014556

66-156  
531

SURFISP.COM  
SURFNET SERVICES, LLC  
801 S. FIGUEROA ST., 11TH FL.  
LOS ANGELES, CA 90017  
1-800-669-6182

February 16, 20 00

RE: 999-999-9999

**PAY** TO THE ORDER OF Ian Eisenberg

\$ 5 00

EXACTLY FIVE DOLLARS AND 00/100

DOLLARS

MEMO INTERNET SERVICES OFFER

AUTO \*\*\*\*\* MIXED AADC 660

Ian Eisenberg  
2722 Eastlake Ave E  
Seattle, WA 98102-3143

⑈0014556⑈ ⑆053101561⑆2079900063448⑈

SECURITY FEATURES INCLUDED DETAILS ON BACK

SURFISP.COM  
1-800-669-6182

DETACH ALONG DOTTED LINES AND TEAR OFF SIDES PRIOR TO CASHING  
READ ALL DETAILS BEFORE ENDORSING

0014556

THIS CHECK MUST BE CASHED OR DEPOSITED BEFORE: MARCH 16, 2000

000009557/801801

CHECK NUMBER	DATE	ACCOUNT NUMBER	TOTAL AMOUNT	TOTAL DISCOUNT TAKEN	TOTAL NET AMOUNT
N/A		INTERNET SERVICES OFFER	\$19 95	0 2506265	\$5 00

CHECK NUMBER	DATE	ACCOUNT NUMBER	TOTAL AMOUNT	TOTAL DISCOUNT TAKEN	TOTAL NET AMOUNT
0014556	February 16, 2000	1812	\$19 95	0 2506265	\$5.00

Make address or phone  
changes on check reverse

TOTAL AMOUNT PAID \$5 00

ISP SURFISP.COM Internet SURFISP is offered by Surfisp.com (SURFISP). Endorsement of the attached check will subscribe you to SURFISP for \$19.95 per month, billed directly to your telephone bill. This first applies to a month-to-month basis until canceled by you and/or SURFISP. You will be notified when your bill is processed in advance. Your subscription entitles you to a 56k dial up access to the Internet and 512B of web space.

By endorsing the attached promotional check, you acknowledge that you are qualified and in fact do not have these charges to appear on your telephone bill.

SURFISP has one dial up number in most major cities. Call 1-800-669-6182 to be sure that we have a dial up number for your area. SURFISP is not responsible for any telephone charges resulting from long distance charges associated with your use of SURFISP. Any refund will be prorated. SURFISP comes with a 60-day money back guarantee. To cancel your subscription and receive a refund, call 1-800-669-6182 within thirty days of service activation. Cancellation thereafter will entitle you to a prorated refund.

This agreement shall be governed by and interpreted in accordance with the laws of the state of Delaware. NO VERBAL STATEMENT, OTHER WARRANTY, OR GUARANTEE EXPRESSED OR IMPLIED, INCLUDING THAT OF MERCHANTABILITY, OR THAT THE SURFISP SERVICE IS FIT FOR A PARTICULAR PURPOSE, IS MADE.

SURFISP, ITS RESPECTIVE AGENTS, RESELLERS, AND EMPLOYEES' LIABILITY IN PERFORMING THEIR RESPONSIBILITIES UNDER THIS AGREEMENT ARISING OUT OF ANY CLAIM OR ERROR OR OMISSION OR FAILURE TO PERFORM ANY SERVICE SHALL BE LIMITED ONLY TO THE FEES PAID FOR THAT SERVICE OFFERED IN THIS AGREEMENT. SOME STATES DO NOT ALLOW THE EXCLUSION OR LIMITATION OF INCIDENTAL OR CONSEQUENTIAL DAMAGES, SO THE ABOVE LIMITATION OR EXCLUSION MAY NOT APPLY TO YOU. THIS DOCUMENT GIVES YOU SPECIFIC RIGHTS AND YOU MAY ALSO HAVE OTHER RIGHTS WHICH VARY FROM STATE TO STATE.

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## CHECK RELEASE CONFIRMATION



E-0024497

Important Notice: Endorsing this solicitation check will subscribe you to Surf ISP for \$19.95 per month, billed directly to your telephone bill. You acknowledge that you are qualified and, in fact, do authorize these charges to appear on your telephone bill.

URGENT MAIL

DO NOT SIGN / WRITE / STAMP BELOW THIS LINE  
FOR FINANCIAL INSTITUTION USE ONLY

Verify that your name, address and phone number are correct as printed on the front of this check. If incorrect, make changes below.

Telephone Number \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

FINANCIAL INSTITUTION USE ONLY

Security features on this document include a MicroPrint Security Line and Security Features. Absence of these features may indicate alteration.

### SURFISPCOM INTERNET SERVICES

When you open up the yellow pages and start looking for an internet service provider, no doubt you'll see our ad, by the way, AOL? Prodigy? A big provider like Comcast or Gap? Or a small, local provider in your area? Which is best? Here's a hint: Size and location don't figure into the equation when you're looking for an internet service provider. Only three things matter: speed, cost, and service. You need speed for a fast internet dial-up, Web page access, browsing, and downloading, and rapid e-mail service for instant communication and on-line shopping. The internet service equates that Surf ISP is among the fastest—56K connections for lightning access. And staying connected to the internet—and the rest of the world—has to be cost efficient. So the monthly fee you pay to your internet service provider has to be reasonable, too. We think at only \$19.95 per month, you'll be pleased with our rates, because they're among the most reasonable in the market and you'll receive a CD-ROM with start-up software, 5MB of Web space, a free browser, e-mail, and a local dial-up number. And with monthly charges debited directly and conveniently to your phone bill, we think you'll be pleased, even more. We've made signing up for Surf ISP easy. When you cash or deposit the enclosed check—and it is a real check—you're automatically enrolled and ready to get on line.

But the best service by far is the most important. When you're up and running on the internet, you have to have the assurance that your provider is behind you all the way. You have to be assured that, when technical glitches happen, you'll have a 24-hour toll-free number to call for help. You have to be assured that, when you have questions about billing or anything else, the right people are ready to "be there" for you—in a courteous and professional manner. Our technical people and administrative staff are hardworking and the best in the business, and they're as close as your telephone. And we're so sure you'll be pleased with Surf ISP that we've instituted one of the best guarantees in the industry. If you're not 100% completely and totally satisfied with your service in any way, shape, or form, all you have to do is call our toll-free number within thirty days of your account activation and we'll send back your fee. That's our promise from us to you, our valued customer.

So congratulations. Welcome to the internet, a whole new different and exciting way of communicating and connecting. But most of all...

Welcome to Surf ISP! The only internet "full service" provider you'll ever need.

**WHEN YOU NEED A FAST, RELIABLE INTERNET CONNECTION ...**

**YOU NEED SURF.ISP**

THE WORLD WIDE WEB. THE INTERNET. E-MAIL  
AND "E-BUSINESS." THEY'RE ALL PART OF A NEW,  
REVOLUTIONARY WAY OF COMMUNICATING  
AND MUCH MORE.

**WELCOME TO THE NEW  
COMMUNICATION MILLENNIUM.**

**WELCOME TO SURF.ISP —THE ONLY INTERNET "FULL" SERVICE PROVIDER YOU'LL EVER NEED.**

**SURFISP**

## THE SURFISP CONNECTION

When you open up the yellow pages and start looking for an Internet service provider, no doubt you'll be confounded by the wealth of choices AOL? Prodigy? A big provider like Concentric or Geo Cities? A small, local provider in your area? Which is best? Here's a timely tip. Size and location don't figure into the equation, when you're looking for an Internet service provider, only three things matter: speed, cost, and service. You need speed for a fast Internet dial-up, Web-page access, browsing, and downloading, and rapid e-mail service for instant communication and on-line shopping. The Internet service equipment at Surf ISP is among the fastest—56K connections for lightening access. And, staying connected to the Internet—and the vast world of the Web—has to be cost efficient. So the monthly fee you pay to your Internet service provider has to be worth the cost. We think, at only \$19.95 per month, you'll be pleased with our rates, because they're among the most reasonable in the market and you'll receive a CD-ROM with start-up software, 5MB of Web space, a free browser, e-mail, and a local dial-up number. And with monthly charges debited directly and conveniently to your phone bill, we think you'll be pleased even more. We've even made signing up for Surf ISP easy. When you cash or deposit the enclosed check—and it is a real check—you're automatically enrolled and ready to get on-line.

But we believe service by far is the most important. When you're up and running on the Internet, you have to have the assurance that your provider is behind you all the way. You have to be assured that, when technical glitches happen, you'll have a 24-hour toll-free number to dial for help. You have to be assured that, when you have questions about billing or anything else, the right people are ready to "be there" for you—in a courteous and professional manner. Our technical people and administrative staff are hand-picked and the best in the business, and they're as close as your telephone. And we're so sure you'll be pleased with Surf ISP that we've instituted one of the best guarantees in the industry. If you're not 100% completely and totally satisfied with your service in any way, shape, or form, call our toll-free number 1-800-669-6182 within thirty days of your account activation and we'll send back your fee. That's our promise from us to you, our valued customer.

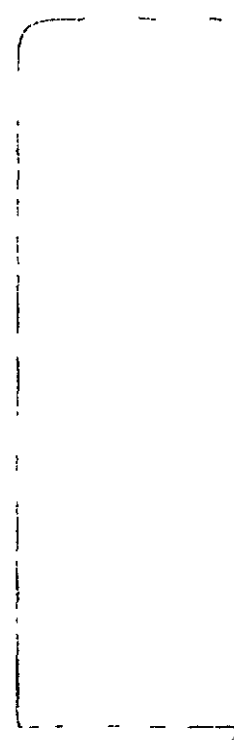
So congratulations! Welcome to the Internet, a whole new different and exciting way of communicating and connecting.

But most of all... Welcome to SURFISP THE ONLY INTERNET "FULL" SERVICE PROVIDER YOU'LL EVER NEED.

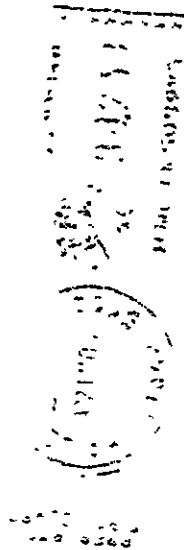




1212 West Camelback Road., Ste 100  
Phoenix, Arizona 85013



*file splash*

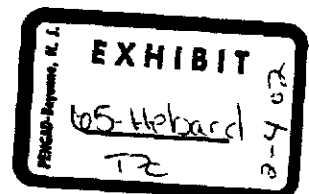


**FIRST CLASS MAIL**

**TIME SENSITIVE DOCUMENT ENCLOSED**

**CHECK ENCLOSED**

IF UNDELIVERABLE AFTER 30 DAYS  
REFER TO SECTION 159 OF OFFICIAL POSTAL CODE



E-0024547



Endorsing or cashing this check within thirty days subscribes payee to Splashnet ISP services at the rate of \$19.95/month. Signatory agrees that they are qualified to authorize charges to appear on their monthly telephone bill, as detailed herein.

**Endorsement**

Read all details before endorsing, making sure to make any changes necessary so that your name, address and phone number are correct as listed on front of check.

Telephone Number (       )      

Name

Address

SSN

E-0024549

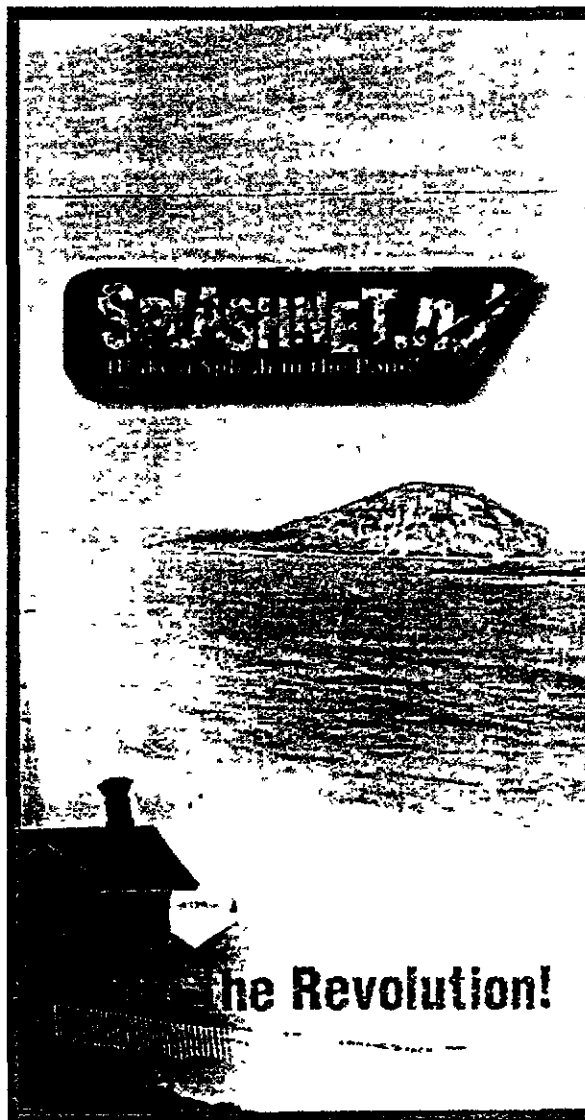
**Any Questions?**  
**Call 1-800-397-5469**  
**6:00 AM to 7:00 PM MST**  
**Monday Through Friday**

**ISP SUBSCRIPTION AGREEMENT**

This offer is made by splashnet. SPLASHNET. By endorsing the attached check, you will subscribe to SPLASHNET at a cost of \$19.95 per month, which will be charged directly to your telephone bill. Until canceled by you and/or SPLASHNET this fee accrues on a monthly basis. You will be given notification of future rate changes in advance. This subscription entitles you to the following: 56K dial-up, a personal e-mail address and 5MB of web space. You acknowledge, by endorsing the promotional check enclosed, that you are qualified to authorize such charges to appear on your telephone bill. SPLASHNET has local dial up numbers in most major cities. To ensure a local dial-up number in your area, call 1-800-397-5469. SPLASHNET is not responsible for any telephone charges (including long distance charges) associated with your SPLASHNET use. SPLASHNET includes a 30-day money back guarantee. To cancel your SPLASHNET service and receive a full refund, call 1-800-397-5469 within thirty days of activation of service. After thirty days, refunds are made on a prorated basis. This SPLASHNET agreement is governed by and interpreted in accordance with the laws of the state of Delaware. NO VERBAL STATEMENT, OTHER WARRANTY OR GUARANTEE IS MADE, EXPRESSED OR IMPLIED, INCLUDING MARKETABILITY OR THAT SPLASHNET SERVICE IS FIT FOR ANY SPECIFIC PURPOSE. LIABILITY OF SPLASHNET, ITS RESPECTIVE AGENTS, RESELLERS AND EMPLOYEES IN PERFORMING THEIR RESPONSIBILITIES UNDER THIS AGREEMENT, ARISING OUT OF ANY CLAIM OR ERROR OR OMISSION OR FAILURE TO PERFORM ANY SERVICE, SHALL BE LIMITED ONLY TO FEES PAID FOR THE SERVICE OFFERED IN THIS AGREEMENT. EXCLUSION OR LIMITATION OF INCIDENTAL OR CONSEQUENTIAL DAMAGES MAY NOT BE ALLOWED IN SOME STATES, THEREFORE SUCH EXCLUSIONS, LIMITATIONS MAY NOT BE APPLICABLE TO YOU. THIS DOCUMENT GIVES YOU SPECIFIC RIGHTS, HOWEVER YOU MAY HAVE OTHER RIGHTS THAT VARY FROM STATE TO STATE. © 2000 Splashnet. All rights reserved.

## Welcome to Splashnet

Where All Our Efforts Went to Make  
Your Internet Experience the Most Enjoyable





- Your home page enhanced with a new powerful search engine tool, which will let you find information on any topic of interest. Simply ask the question in plain english and get quick updates on sport scores, stock prices and the news as they happen.
- A personal 5 megabytes of webspace specially reserved for you to create your own home page. Post photos of your family, friends and pets! it's your internet presence!
- Your personal e-mail account for electronic communication with all your new e-mail friends. Join chat groups, newsgroups, communicate throughout the entire world or just amongst an intimate group of friends and relatives.
- Over 1000 local access points! Travel a lot? When you are on the road simply look up Splashnet's local telephone numbers for instant access to the internet. We're nationwide and growing!
- Expert on-line assistance available 24 hours a day, 7 days a week. Is the internet a new experience for you? You'll find not only easy to follow directions from Splashnet but 24 hour toll-free technical assistance. Get someone who cares about your problems this time - and every time.

## We've got it all Welcome to the Revolution!

- The fastest available dial-up access with full 56K v.90 modem access. It means less time waiting and more time enjoying the web!
- Size does not make a great internet service provider. You need convenience, speed, service and cost.
- Our unconditional guarantee: If you are not 100% completely and totally satisfied with your internet service within 30 days of activation, we will gladly refund your fees. It's that simple!
- A bundle of software starting with Microsoft's famous internet Explorer 5.0 and over 40 total programs to enhance not only your web experience but your computer!
- Our monthly fee of \$19.95 is among the most reasonable available. And now, you can bill it directly to your phone, certainly the easiest and most convenient way to start your service with the best equipment available. With Splashnet, you've got fast simple internet access.



Microsoft Internet Explorer 5.0

**Any Questions? Call 1-800-397-5469**  
**6:00 AM to 7:00 PM MST (Monday - Friday)**

**Lisa Bluteau**

---

**From:** Don Reese  
**Sent:** Friday, February 04, 2000 4:51 PM  
**To:** 'Wayne Chia'; Don Reese; Andrew Kreis  
**Cc:** gene; Jeff Fritz; chris hebard; Ian Eisenberg  
**Subject:** RE: cyberspace Log in Audit request

Attention all ye spinners!

The results are in regarding logon information for the below mentioned Cyberspace.com internet access subscribers. Seems these are the foreword thinking consumers I was talking of earlier since not a single one of them has ever logged on to our Radius Server!

I guess the spin I would put on this is that these are the exact customers EISA needs for their cheap computer program. I can hear it now . "Is your Internet access account being under utilized? Well, try complimenting it with our new Magnum XT super PC" ... Or, something like that.

Don

-----Original Message-----

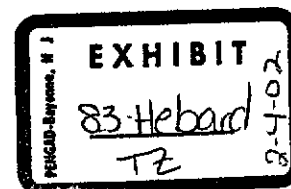
**From:** Wayne Chia [mailto:wayne@csgholdings.com]  
**Sent:** Friday, February 04, 2000 10:33 AM  
**To:** Don Reese; andrewk@usnetwork.com  
**Cc:** gene; Jeff Fritz; chris hebard  
**Subject:** cyberspace Log in Audit request

Don/Andrew,

Auditor just requested from me LOG-IN info for these BTN/ANIs. I understand Andrew may not be in, but Alexis or Soon can pull the data.

They are:

9722437000  
9722423550  
9724231869  
9252567300  
9166317878  
9048260030  
9048238779  
9498331171  
9496616150  
9319203880  
3054637757  
3054707854  
3188721458  
4098326808  
4098666271  
2093336157  
2093571838  
3106731968  
3106774432  
3133661580  
2059512721  
2059795679  
2097952611  
2104904045  
2107361616  
3523320057



3186876120  
3052460673  
2148273888  
2145031087  
9549858920  
9549222517  
9726691125  
9163638050  
9158581093

Thanks  
Wayne

**CYBERSPACE.COM \* SURFISP.COM \* SPLASHNET.NET CSR**

home | help | contact

agent. LaShonta

search

short cut

current

cancelled

billing

refund

login

hot\$ support

cancel

non-account

Incomplete  
Cancellation

refund

review

accountant

pending

search

hotbucks

report

cancel

refund

refund by agent

cancel by agent

ivr

free 60 days

miscellaneous

memo

service

question

message board

**USER SEARCH**

Please Type a Phone Number...

Phone  
Number:**Search****Reset**

SHORT CUT Search  
 This can only  
 locate an account  
 By telephone #.  
 But will pull an  
 account out of  
 Current/Cancel

Sometimes this  
 search will be  
 able to pull up  
 checks in the  
 system that the  
 Regular searches  
 Couldn't.

I DID not advise using  
 this search Engine.



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home | help | contact

agent: LaShonta

search  
 short cut  
 current  
 cancelled  
 billing  
 refund  
 login  
 hot\$ support  
 cancel  
 non-account  
 Incomplete  
 Cancellation  
 refund  
 review  
 accountant  
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 search  
 hotbucks  
 report  
 cancel  
 refund  
 refund by agent  
 cancel by agent  
 ivr  
 free 60 days  
 miscellaneous  
 memo  
 service  
 question  
 message board

**User Status: CURRENT.. Member**

Please check refund and credit history before you proceed a refund process.

**Back to User Search****See Notes****Save****Refund Log****Login Log****Check Picture****Go to Refund****Go to Cancel****Extend 60 days Free ISP**

Action: CREATE ACCOUNT  
 Line type: Analog or 1B ISDN  
 User Name: Max chars.8 21300062@cyberspace.c  
 Password: 5312848  
 Date Added: 12/29/1999  
 Phone Number:(NO SPACE, eg 6165387484) 3234636021  
 Check Number: 5312848  
 Date Cashed:  
 Source File: 991221.TXT  
 Full Name:  
 Co Name: 213 TV  
 Address: 639 N LARCHMONT BLV  
 City: LOS ANGELES  
 State: CA  
 Zip: 90004  
 Zip4: 1323

New Note. When you cancel this user, Please make a brief note and press the save button

**Billing Report**

Charge Date	Amount
1/7/2000	\$29 95

No Credit History Found by LEC.

No Credit History Found by CS.

Short Cut  
 Search  
 Information  
 Screen

# CYBERSPACE.COM \* SURFISP.COM \* SPLASHNET.NET CSR

home | help | contact

agent: LaShonta

search

## CURRENT USER SEARCH

short cut

current

Please check the HELP page to see a guideline for this site

cancelled

billing

Please Type a criteria to Search...

refund

login

User Name:

Search

hot\$ support

OR

cancel

Password:

Search

non-account

OR

Incomplete  
Cancellation

Phone Number:

Search

refund

OR

review

Co Name:

Search

accountant

OR

pending

Address:

Search

search

OR

hotbucks

City:

Search

report

Search Reset

cancel

refund

refund by agent

cancel by agent

ivr

free 60 days

miscellaneous

memo

service

question

message board

current  
accounts only  
→

**CYBERSPACE.COM \* SURFISP.COM \* SPLASHNET.NET CSR**

home | help | contact

agent LaShonta

search

**CANCEL SEARCH**

short cut

**Please Type a criteria to view the cancel log...**

current

cancelled

billing

Check Number:

**VIEW LOG**

refund

OR

login

Phone Number:

**VIEW LOG**

hot\$ support

cancel

OR

non-account

Co Name:

**VIEW LOG**

Incomplete

Cancellation

OR

refund

Cancel Date: (eg: 5/3/99)

**VIEW LOG**

review

OR

accountant

Cancel Date From:  
(eg: 5/3/99)Cancel Date To:  
(eg: 5/4/99)

pending

search

hotbucks

report

cancel

refund

refund by agent

cancel by agent

ivr

free 60 days

miscellaneous

memo

service

question

message board

**VIEW LOG****Reset***only  
Cancelled  
accounts*

**CYBERSPACE.COM \* SURFISP.COM \* SPLASHNET.NET CSR**

home | help | contact

agent. LaShonta

search

short cut

current

cancelled

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login

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non-account

Incomplete

Cancellation

refund

review

accountant

pending

search

hotbucks

report

cancel

refund

refund by agent

cancel by agent

ivr

free 60 days

miscellaneous

memo

service

question

message board



. Current

Member

Action: CREATE ACCOUNT  
 Line type: Analog or 1B ISDN  
 User Name: 21300062@cyberspace.com  
 Password: 5312848  
 Date Added: 12/29/99  
 Phone Number:(NO SPACE, eg 6165387484) 3234636021  
 Check Number: 5312848  
 Date Cashed:  
 Source File: 991221.TXT  
 Full Name:  
 Co Name: 213 TV  
 Address: 639 N LARCHMONT BLVD STE 108  
 City: LOS ANGELES  
 State: CA  
 Zip: 90004  
 Zip4: 1323

New Note: When you cancel this user, Please make a brief note and press the save button.

[Back to User Search](#)[Search Results](#)[Save](#)[Bill and Credit Log](#)[Refund Log](#)[Go to Refund](#)[Go to Cancel](#)[Extend 60 days Free SP](#)[Login Log](#)[Check Description](#)

Please check refund and credit history before proceed a refund process

Customer  
Information  
Page

**CYBERSPACE.COM \* SURFISP.COM \* SPLASHNET.NET CSR**

home | help | contact

agent: LaShonta

search

short cut

current

cancelled

billing

refund

login

hot\$ support

cancel

non-account

Incomplete  
Cancellation

refund

review

accountant

pending

search

hotbucks

report

cancel

refund

refund by agent

cancel by agent

ivr

free 60 days

miscellaneous

memo

service

question

message board

**Cyberspace Cancelled User**

Cancel Request Date: 3/8/2000 2.31:00 PM  
 Cancel Date:  
 User Name User name must start with "cyber/." patri286@cyberspace.com  
 Password: 14309625  
 Date Added: 12/17/1999  
 Phone Number: (NO SPACE, eg "6165287484") 6017866642  
 Check Number: 4309625  
 Date Cashed:  
 Full Name:  
 Co Name: PATRICIA TENNER  
 Address: RR 1 BOX 1321  
 City: FAYETTE  
 State: MS  
 Zip: 39069  
 Zip4: 9517  
 Previous Note: (3/31/2000 12:53.00 PM) refund requested  
 Agent: Tiffany

New Note:

[Back to User Search](#) [Search Results](#) [Save](#)

[Check Description](#)

[Login Log](#) [Bill and Credit Log](#) [Refund Log](#) [Go to Refund](#)

Please  
process

- Cancel -

ou proceed a refund

Customer  
Information  
Page

### Billing Report

Charge Date	Amount
1/7/00	\$29.95

---

No Credit History Found by LEC.

---

---

No Credit History Found by CS.

---

Close Window

Billing shows  
Y's customers  
Billed - Credits  
that have been  
applied to  
account  
LEC - Phone Company  
CS - Cyberspace  
credit

### Refund Report

Charge Date	Amount	Request Date	Status	Refund Date
1/28/2000	\$20.55	2/29/2000 8:04:00 AM	Pending	
2/28/2000	\$44.20	4/11/2000 7:47:00 AM	Pending	

Close Report

Refund Log—  
Show if a  
Request for  
a Refund was  
entered  
Date - amount -  
Time -

**CYBERSPACE.COM \* SURFISP.COM \* SPLASHNET.NET CSR**

home | help | contact

agent: LaShonta

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hot\$ support

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Incomplete  
Cancellation

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refund by agent

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free 60 days

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**Billing Info****Please choose a record and type an credit amount...**

	Phone Number	Charge Date	Amount
<input type="radio"/>	3234636021	1/7/00	\$29 95

Credit Amount: no decimal point please(eg:2995) **Note:**☐ Cancel Email Subscription

Previous Page

Refund

Go TO Refund —

This is where  
address-name  
change is entered  
along w/amount



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agent: LaShonta

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**CANCEL OPTIONS**

Please choose **ONLY ONE** cancel option and Click the button **ONLY ONCE**(Please do not Refresh).

Cancel Option:

- ☒ Unknown
- ☐ Not Interested
- ☐ Cashed Check In Error
- ☐ Denies Signing Check
- ☐ Sent Back Check
- ☐ Signed the check
- ☐ E-Mailed Request
- ☐ Refuses to pay.
- ☐ Wrong Person
- ☐ Cancelled by Phone
- ☐ remove from mailing list
- ☐ 703 Cancel V.M.
- ☐ Temporary cancellation
- ☐ not aware of sign up
- paid back \$3.50
- Phone Company Cancel
- Can't afford to Pay
- Returned Mail/CD
- WRONG COMPANY
- Charge Back
- Cancel From CA
- Cancel From Credit

THIS IS  
 where you  
 cancel all  
accounts!!

[Cancel Account](#)
[Previous Page](#)
[Back to User Search](#)

**CYBERSPACE.COM \* SURFISP.COM \* SPLASHNET.NET CSR**

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**Add Extend User Form**

Co Name: 213 TV  
Full Name:  
Phone Number: 3234636021  
(NO SPACE, eg. 6165387484)  
Rate: \$19.95

Note: Max. 255  
chars.

☐ CD Needed?

CSR Agent: Stacie

Back to User Search Previous Page  
Save 60 days Free ISP User

THIS IS A BONUS  
THIS att allows  
you to extend  
and drop customer  
Rate.

**Login Report**

No Record Returned with the user.

**Close Report**

This US  
shows US  
If customer  
is using our  
service —

## Check Description

Co Name: 213 TV  
 Address: 639 N LARCHMONT BLVD STE 108  
 City: LOS ANGELES  
 State: CA  
 Zip: 90004

Cyberspace.com, LLC

FAR 330  
 1148 Pulaski Hwy  
 Bear DE 19701 1306

1 258 285 5196

FIRST UNION NATIONAL BANK  
 CHAPEL HILL NC 27514

5312848

\*\*\*\*\*THREE DOLLARS AND 50/100\*\*\*\*\*

323-463-6021

79

DATE: September 24 1999 AMOUNT \$3 50

PAY  
 TO THE ORDER OF  
 AUTO \*\*\*\*\* 5-DIGIT 90004  
 213 TV  
 639 N Larchmont Blvd Ste 108  
 Los Angeles CA 90004-1323  
 |||||

0911577634 Col 43

12/20/99 3:23 PM  
 25 0697 1600183

\*5312848\* 0511015611 2079900058000\*

\*00000000350\*



Copy  
 Promotion check  
 endorsement

Page

Page

of value or endorsement and copies come in a separate of letter  
 to address service and agreement pursuant to terms attached NOTICE  
 Payee agrees to terms of \$25 US monthly fee and payable in  
 advance. Payee acknowledges that they are qualified and in fact do  
 authorize these changes to appear on their phone bill as billed on  
 reverse. Payee acknowledges that cancellation of subscription and  
 refund in full is effected by calling toll free number attached within  
 thirty days of service activation.

0911577634 Col 43  
 12/20/99 3:23 PM  
 25 0697 1600183

**CYBERSPACE.COM \* SURFISP.COM \* SPLASHNET.NET CSR**

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**BILLING SEARCH**

Please Type a criteria to Generate Report...

Phone Number:

**VIEW REPORT****RESET**

will only pull  
up customer  
Billing History

**CYBERSPACE.COM \* SURFISP.COM \* SPLASHNET.NET CSR**

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agent: LaShonta

search

REFUND SEARCH

short cut

Please Type a criteria to Generate Report...

current

cancelled

billing

Phone Number: 

refund

AND

login

hot\$ support

☒ Pending

cancel

Status:

☐ Done

non-account

☐ Review Required

incomplete

Cancellation

refund

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pending

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refund by agent

cancel by agent

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will pull up  
only accounts  
with a refund  
Pending - Done  
OR In Review  
But also provide  
you with notes  
about that refund

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agent: LaShonta

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**Refund Report**

**Charge Date:** 2/8/2000  
**Amount:** \$24.95  
**Request Date:** 3/10/2000 1:58:00 PM  
**Status:** Review Required  
**Refund Date:**  
**Note:** verified address -request refund \$24.95 also filled out refund inquiry about other refund stil have not received pic/mew  
**Customer Support:** CATechGroup

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**Refund Report**

**Charge Date:** 3/22/00  
**Amount:** \$299.50  
**Request Date:** 4/10/00 3:56.00 PM  
**Status:** Pending  
**Refund Date:**

**Note:**

Customer reviewed material and cancelled request full refund for the amount of 299.50 no additional refund needed. address verified make att.Susan Haas Payable to company Lt/cc 4/10/00

**Customer Support:** LaShonta

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Done —  
Show.  
DATE  
Amount  
OK #  
OF Refund



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**Refund Report**

**Charge Date:** 12/22/99  
**Amount:** \$41.10  
**Request Date:** 1/31/00 6:46:00 AM  
**Status:** Done  
**Refund Date:** 2/10/00 9 56:00 AM  
**Note:** send to DOROTHY ROBERTS Issued check 02-04-00 #33263  
\$41.10. flw  
**Customer Support:** Ca3

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Pending —  
will not not  
have a refund ck  
number or date  
of Refund —

**CYBERSPACE.COM \* SURFISP.COM \* SPLASHNET.NET CSR**

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**Refund Report****Charge Date:** 3/15/2000**Amount:** \$0.00**Request Date:** 4/4/2000 2:07 00 PM**Status:** Done**Refund Date:** 4/14/2000 8:54:00 AM**Note:** send to this address: Lifeline Medical PO Box 3253 West  
Somerset, KY 42564-3253**Customer Support:** Jahna[Back to Refund Search](#)[Previous Page](#)

**CYBERSPACE.COM \* SURFISP.COM \* SPLASHNET.NET CSR**

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Member

**cyberspace Refund Log**

Full Name:  
 CO Name: LIFENET USA MEDCL EQUIPMENT  
 Address: 246 POPLAR AVE  
 City: SOMERSET  
 State: KY  
 Zip: 42503  
 Phone Number: 6066796996  
 Check Number: 8121430  
 Date Charged: 12/15/99  
 Date Requested: 4/3/00 3 30.00 PM  
 Date Refund:  
 Amount: \$119.80

Status:

- ☒ Pending  
☐ Done  
☐ Review Required

*Jahna*

address verified. refund 4 months at \$119.80 jd/cc

Note: NO Single()  
 OR Double quotation  
 (") Please

*1-3470*

[Back to Refund Search](#)
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[Cancel Notes](#)
[Save](#)

*11/15 to 3/15*  
*5 @ 29.95*

***Refund Report***

<b>Charge Date</b>	<b>Amount</b>	<b>Request Date</b>	<b>Status</b>	<b>Refund Date</b>
12/15/1999	\$119.80	4/3/2000 3:30:00 PM	Pending	
3/15/2000	\$0.00	4/4/2000 2:07:00 PM	Done	4/14/2000 8:54 00 AM

**close report**

**E-0020034**

**CYBERSPACE.COM \* SURFISP.COM \* SPLASHNET.NET CSR**

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Member

**cyberspace Refund Log**

Full Name:

CO Name:

LILLIAN KOUTSIS

Address:

85 PARKWAY RD # 1

City:

BRONXVILLE

State:

NY

Zip:

10708

Phone

Number:

9143372665

Check

Number:

4458928

Date

Charged:

2/22/2000

Date

Requested:

3/23/2000 6:15:00 AM

Date

Refund:

Amount:

\$20.55

Note: NO  
Single(") OR  
Double  
quotation("")  
Please...refund 2055 send to Susanne Hopp 766 Plamer RD Bronxville  
NY 10708. al☒ Pending

Status:

☐ Done☐ Review Required

CK# 50394 - 4/4/00 - 20.55

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Cancel Notes

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**CYBERSPACE.COM \* SURFISP.COM \* SPLASHNET.NET CSR**

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Member

**cyberspace Refund Log**

Full Name:

CO Name: LILLIAN KOUTSIS

Address: 85 PARKWAY RD # 1

City: BRONXVILLE

State: NY

Zip: 10708

Phone  
Number: 9143372665Check  
Number: 4458928Date  
Charged: 2/22/2000Date  
Requested: 4/5/2000 9:03:00 AMDate  
Refund:

Amount: \$0.00

☒ PendingStatus: ☐ Done☐ Review RequiredNote: NO  
Single(') OR  
Double  
quotation("")  
Please...

Street name is actually "Palmer" and town is "Bronxville."

REFUND SENT BUT THERE IS nothing  
we can do. OK went out already![Back to Refund Search](#)[Previous Page](#)[Cancel Notes](#)[Save](#)

E-0020036



New Account

Name:

Address:

Social #:

Phone #:

E-Mail

Optional



New Account

Name:

Address:

Social #:

Phone #:

E-Mail

Optional

**CYBERSPACE.COM \* SURFISP.COM \* SPLASHNET.NET CSR**

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Member

**cyberspace Refund Log**

Full Name:

CO Name: T &amp; J TIRES CTR

Address: 13100 PRAIRIE AVE # B

City: HAWTHORNE

State: CA

Zip: 90250

Phone Number: 3106758510

Check Number: 7090995

Date Charged: 2/8/00

Date Requested: 3/10/00 1 58 00 PM

Date Refund:

Amount:

2495

Customer Support:

CATechGroup

Note: NO  
Single(") OR  
Double  
quotation("")  
Please...

verified address  
refund inquiry  
received.pic/n

Review —  
an account will  
only be in Review  
when the Refund  
notes are  
Questionable

ad out

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Update Accountant

E-0020038



# CYBERSPACE.COM CUSTOMER SUPPORT

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CATechGroup

## CURRENT USER SEARCH

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*Please check the HELP page to see a guideline for this site*

*Please Type a criteria to Search...*

User Name:

[Search](#)

OR

Password:

[Search](#)

OR

Phone Number:

[Search](#)

OR

Co Name:

[Search](#)

OR

Address:

[Search](#)

OR

City:

[Search](#)

[Search](#)

[Reset](#)

**EXHIBIT**

123 - Olympic  
2-5-02 JLB

P-0010917

*Current*

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### CANCEL SEARCH

Please Type a criteria to view the cancel log...

Check Number:

[View Log](#)

OR

Phone Number:

[View Log](#)

OR

Co Name:

[View Log](#)

OR

Cancel Date:  
(eg 5/3/99)

[View Log](#)

OR

Cancel Date  
From: (eg 5/3/99)

Cancel Date To:  
(eg 5/4/99)

[View Log](#)

[Reset](#)

P-0010918

*Cancelled*

# CYBERSPACE.COM CUSTOMER SUPPORT

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agent:  
CATechGroup

## USER SEARCH

Please Type a Phone Number...

Phone   
Number:

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P-0010919

*Short cut*

## CYBERSPACE.COM CUSTOMER SUPPORT

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## Cyberspace Current User

Action: CREATE ACCOUNT  
 Line type: Analog or 1B ISDN  
 User Name: a0000171@cyberspace.com  
 Password: m7064094  
 Date Added: 11/1/99  
 Phone Number:(NO SPACE, eg 6165387484) 4099484504  
 Check Number: 7064094  
 Date Cashed:  
 Source File: 991028.TXT  
 Full Name:  
 Co Name: A J EDMOND CO  
 Address: 1530 TEXAS AVE  
 City: TEXAS CITY  
 State: TX  
 Zip: 77590  
 Zip4: 8446

New Note: When you cancel this user, Please check if you make a brief note and press the save button.

*new - new name and address*  
*Request refund \$ 1.00+ address verified*  
*pic / initials*

Back to User Search

Search Results

Save

Bill and Credit Log

Refund Log

Go to Refund

Go to Cancel

Extend 60 days Free ISP

Login Log

Check Description

Please check refund and credit history before you proceed a refund process.

CTRL ✓

P-0010920

Current User

**CYBERSPACE.COM CUSTOMER SUPPORT**

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CATechGroup

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message board

**Billing Info****Please choose a record and type an credit amount...**

	Phone Number	Charge Date	Amount
<input type="radio"/>	4099484504	11/8/99	\$24.95
<input type="radio"/>	4099484504	12/8/99	\$24.95
<input type="radio"/>	4099484504	1/7/00	\$24.95

Credit Amount: no decimal point please(eg.2995) 

Note:

☐ Cancel Email Subscription[Previous Page](#)[Refund](#)

CTRL C

P-0010921

Refund

## CYBERSPACE.COM CUSTOMER SUPPORT

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agent:  
CATechGroup

Cancel Non-Account User

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Please Type User Infomation...

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Phone

Number:  
NO SPACE

123457890

Check  
Number:

12345

Full  
Name:

Cyberspace

Co  
Name:

Address:

City:

State:

Zip: (upto 5  
chars)

Cancelled ☒ Phone Call

By: ☐ Letter

Note:

[Save Now](#)

[Reset](#)

P-0010922

*Non Account User*

# CYBERSPACE.COM CUSTOMER SUPPORT

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CATechGroup

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## Possible Questions

### 1. I received an offer in the mail. Why?

We want you to try our Internet service. Does your company have access to the Internet now? If you are not satisfied in the first 30 days, we will gladly refund your \$29.95. You may cancel the service at anytime. If you are not interested at this time, please disregard the offer.

### 2. What do I get for the \$29.95 fee?

Cyberspace.com supports connection speeds up to ISDN for the fastest possible dial-up access to the Internet. There are no set-up fees and the account is given 1 e-mail account at no additional charge. Other benefits of the service: local access numbers in most major cities, 4MB of web space for your companies web presence, and the fee is conveniently billed to your telephone bill, creating peace of mind that your credit card number is not out somewhere on the Internet.

### 3. How am I billed for this service?

You will be conveniently billed on your telephone bill. It will appear on the Olympic page for \$29.95 as "INTERNETSVC" at Spring/Ameritech/BellSouth/PacBell and "Cyberspace Internet SVC Mthly Chr" at SWB and USWest.

### 4. How do I get my web page going?

There are many applications some freeware and shareware that are available to help you create your own homepage. For more information you can contact our Technical Support at 800-669-6705.

### 5. How do I cancel the service?

Do not endorse the check. Once the service is started, contact customer service to cancel the service. The service can be canceled at any time.

### 6. We accidentally deposited the check and do not want this service. Please cancel this account.

I will be glad to cancel that for you. Use the on-line form to find the account and cancel it.

### 7. I have a charge on my phone bill for \$29.95 and I want to know who authorized it.

A promotion was sent to your company to offer our Internet service. Along with the promotion was a check for \$3.50 to put towards your first month's service.

Someone from your company endorsed the check to authorize us to bill your company \$29.95 monthly on your telephone bill. A CD, to load the software, was sent shortly after we received the check, so you can immediately use the service. We are periodically receiving the canceled checks from the bank. I can check to see if we have received the check....Can I answer any more questions about our Internet service and its benefits. Would you like to continue the service?

### 8. I want to talk to the owner of the company regarding this promotion?

The owner of the company is not in this office. I can answer any questions you may have. You can address your concerns by writing to our Customer Service address

of:

Cyberspace.com LLC  
110 West 9th Street #588  
Wilmington, DE 19801

P-0010923

*Questions*

9. We received a check and need the account number to apply the check as payment.

The check is a promotion; Cyberspace.com is offering your company our Internet services. We do not currently have an account with your company.

P-0010924

*Questions*



Who wrote  
These

## CYBERSPACE.COM CUSTOM

[home](#) | [help](#) | [contact](#)

[search](#)

**BI**

[short cut](#)

[current](#)

[cancelled](#)

**CURRENT**

[billing](#)

[refund](#)

[Back to Billing Search](#)

[login](#)

[hotS support](#)

[cancel](#)

[non-account](#)

[refund](#)

Phone Number	Charge Date	Amount
4099484504	11/8/99	\$24.95
4099484504	12/8/99	\$24.95
4099484504	1/7/00	\$24.95

[review](#)

[accountant](#)

[refund](#)

[hotbucks](#)

[report](#)

[cancel](#)

[IVR](#)

[refund by agent](#)

[cancel by agent](#)

[free 60 days](#)

[miscellaneous](#)

[memo](#)

[service](#)

[question](#)

[message board](#)

P-0010925

Billing

# CYBERSPACE.COM CUSTOMER SUPPORT

[home](#) | [help](#) | [contact](#)

agent:  
CATechGroup

[search](#)

[short cut](#)

[current](#)

[cancelled](#)

[billing](#)

[refund](#)

[login](#)

[hot\\$ support](#)

[cancel](#)

[non-account](#)

[refund](#)

[review](#)

[accountant](#)

[refund](#)

[hotbucks](#)

[report](#)

[cancel](#)

[IVR](#)

[refund by agent](#)

[cancel by agent](#)

[free 60 days](#)

[miscellaneous](#)

[memo](#)

[service](#)

[question](#)

[message board](#)

## CANCEL OPTIONS

*Please choose a cancel option...*

- ☒ Unknown
- ☐ Not Interested
- ☐ Cashed Check In Error
- ☐ Denies Signing Check
- ☐ Sent Back Check
- ☐ Signed the check
- ☐ E-Mailed Request
- ☐ Refuses to pay.
- ☐ Wrong Person
- ☐ Cancelled by Phone
- ☐ remove from mailing list
- ☐ 703 Cancel V.M.
- ☐ Temporary cancellation
- ☐ not aware of sign up
- ☐ paid back \$3.50
- ☐ Phone Company Cancel
- ☐ Can't afford to Pay
- ☐ Returned Mail/CD
- ☐ WRONG COMPANY
- ☐ Charge Back
- ☐ Cancel From CA

Cancel Option:

☐ Cancel Email Subscription

[Cancel Account](#) | [Previous Page](#)  
[Back to User Search](#)

P-0010926

Cancel

**CYBERSPACE.COM CUSTOMER SUPPORT**

home | help | contact

agent:  
CATechGroup**Cyberspace.com ISP Service**

search

short cut

current

cancelled

billing

refund

login

hot\$ support

cancel

non-account

refund

review

accountant

refund

hotbucks

report

cancel

IVR

refund by agent

cancel by agent

free 60 days

miscellaneous

memo

service

question

message board

Cyberspace is an Internet service provider (ISP). Cyberspace is currently marketing to businesses. The promotion includes a check for \$3.50 and an insert that describes the benefits and services of Cyberspace.

The check is a refund towards the first month of service. The service will not begin until the check is endorsed. The fee of \$29.95 will be charged to the telephone bill. The signed check will begin the service and a CD is included as the fulfillment package to load the ISP software. The CD package will have the User ID and Password assigned to the new user, along with the Technical Support number to assist with loading the software and other questions.

If the customer wants to cancel the service, explain that the service will not begin until the check is endorsed and received. The \$3.50 check is a refund towards the first month's service. If the check is endorsed and they want to cancel, complete the online form to cancel their account. Explain the customer that cancellations as well as changes take 24 - 48 hours at this time.

Our pricing is actually competitive against the telephone companies:

<b>US West</b>	Business - \$34.95/mo/unlimited w/ \$25.00 set up fee Home - \$19.95/mo/unlimited w/\$25.00 set up fee
<b>BellSouth</b>	Biz/Home \$19.95/mo/w/ \$10.00 set up fee or \$9.95/mo/10 hours/ \$1.00 extra hours
<b>SBC</b>	Biz/Home - \$21.95/mo/150 hours/\$1.80 extra hours w/ \$14.95 set up fee
<b>Bell Atlantic</b>	Biz/Home \$19.95/mo/unlimited w/\$15 set up fee for Businesses \$9.95 setup fee for home. Or \$6.95/mo/5 hrs/\$1.95 extra hours
<b>Ameritech</b> (resells UUNET)	\$21.95/mo/unlimited/50% off the first month or, \$8.95/mo/10 hours/\$1.95 extra hours.

Prices vary on how many e-mail accounts and a fee is generally charged per user at each telephone company.

Cyberspace.com has no set-up fee and supplies 1 e-mail account per each account, for no additional fee. Other benefits of the service: local access numbers in most major cities, 4MB of web space and the \$29.95 is conveniently billed to the telephone bill, keeping your credit card information off the Internet.

Comparison

P-0010927

AG/BU Corres. for <u>Olympic</u>		TYPE
<u>804.225.8351</u>		<u>7/11/00</u>
ANI		Received Date
Customer/Company <u>Carolina Map Mfg. Co.</u>		
Agency (Bill Co.) <u>FCC - RM add.</u>		
Address <u>P.O. Box 5072</u>		
City <u>Anderson SC 29623</u>		State Zip
Psychic		
<input type="checkbox"/> ANI-missing <input type="checkbox"/> Minor/Handicap <input type="checkbox"/> Suppress <input type="checkbox"/> Corporate Lines <input type="checkbox"/> Credit Promise <input type="checkbox"/> Letter <input type="checkbox"/> DAK <input type="checkbox"/> Cust Svc Problem      RE: _____ <input type="checkbox"/> Enrollment Error <input type="checkbox"/> 800 Free Call <input type="checkbox"/> Another Made Call <input type="checkbox"/> 900 Free Call <input type="checkbox"/> Solicitation		
Internet		
<input type="checkbox"/> Cancel <input type="checkbox"/> Denies Signing Chk <input checked="" type="checkbox"/> Letter RE: <input type="checkbox"/> Suppress/ML <input checked="" type="checkbox"/> Cshd Check in Error <input checked="" type="checkbox"/> Copy of check <input type="checkbox"/> DAK <input type="checkbox"/> Doesn't Like Promo      # <u>255046</u>		
Collections		
<input type="checkbox"/> DAK <input type="checkbox"/> 900 Free Call <input type="checkbox"/> 900 Block <input type="checkbox"/> Minor <input type="checkbox"/> Dispute <input type="checkbox"/> Declaration <input type="checkbox"/> Waive Charge <input type="checkbox"/> Incorrect Phn # <input type="checkbox"/> Letter RE:		
Activity/Comments		
<u>7X 29.95</u>		
<u>no Refund issd</u>		
<u>faxed to Michelle 7/14</u>		
Customer Date	Service Date	Entered By/Date
		<u>207/11</u>

EXHIBIT

H-0007496

136 - Olympic  
2-5-02 JLB

**OLYMPIC**  
**TELECOMMUNICATIONS**2722 EASTLAKE AVE. E  
SUITE 200  
SEATTLE, WA 98102  
(206) 505-5500  
FAX (206) 505-5505

July 11, 2000

Federal Communications Commission  
Consumer Information Bureau  
Portals Consumer Center  
445 12<sup>th</sup> St. SW, Room CY-B514  
Washington, D.C. 20554

Re: 00-N16335

Dear Sirs,

We have received a copy of the complaint filed with your office by Pam M. Ritter. Olympic Telecommunications is a billing aggregator; as such we have many companies as our clientele. The provider of the referenced service in this complaint is Cyberspace.com. Olympic Telecommunications is happy to assist you in anyway we can. However, we believe the client is in the best position to respond to specific components of the complaint. We are therefore forwarding by copy of this letter and the formal complaint to the client for response. We ask that they provide all relevant information and do their best to ensure a satisfactory result for all involved in the quickest manner possible.

If there is more that Olympic Telecommunications can do beyond our action here, please ask; we will do our best to assist.

Sincerely,

Michelle Ferazza  
Customer RelationsCc: Pam M. Ritter  
Carolina Mop Manufacturing Co.  
P.O. Box 5072  
Anderson, SC 29623Cyberspace  
16970 Dallas Parkway  
Suite 601  
Dallas, TX 75248

H-0007497

**Apparent Carrier:** Olympic Telecommunications, Inc.  
**Complaint for:** Carolina Mop Manufacturing Co.  
**IC Number:** 00-N16335

**Date Received:** 10/18/99  
**Service Date:** 07/10/2000  
**Response Date:** 08/08/2000

**COMPLAINT SUMMARY:**

SEE ATTACHED COMPLAINT.

<b>Problem Number:</b> 864 225-8351	
<b>Title: Last Name:</b>	<b>First Name:</b> Carolina Mop Manufacturing Co. <b>Middle Initial:</b>
<b>Contact Name:</b> Pam M. Ritter, President	<b>Best Time to Call:</b>
<b>Contact Number:</b>	<b>Fax Number:</b>
<b>Email Address:</b>	<b>Internet Address:</b>
<b>Address:</b> P.O. Box 5072	
<b>City:</b> 29623Anderson	<b>State:</b> SC <b>Zip:</b>

Disputing charges listed on phone bill. Total amount of dispute:

Did the company billing for these charges adjust or refund some or all of the disputed charges?

If yes, what was the amount of the adjustment or refund?

Contacted the companies to resolve complaint?

If yes, was the complaint resolved to your satisfaction?

Willing to provide further written statements for use of the FCC or other agencies in enforcement actions against companies?

H-0007498

**CAMOCO**PHONE: 864-225-8351  
TOLL FREE 800-845-9725  
FAX 864-225-1917**ISSA** The Experts  
on Cleaning and Maintenance

CAROLINA MOP MANUFACTURING CO.

P.O. Box 5072

819 Whitehall Road

Anderson, S.C. 29623

OCT 18 1999

FCC MAIL ROOM  
October 13, 1999Olympic Telecommunications  
PO Box 29252  
San Antonio, Tx 78229-0252

Dear Sir:

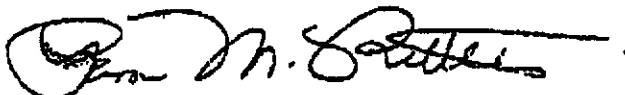
We are requesting a refund in the amount of \$123.40, which is what we paid you for internet service, less the \$3.50 check we received which activated this account. We did not **KNOWINGLY** open this account! Furthermore, the employee who **STAMPED** the check did not have the authority to open any such account. If we had need of an internet service, there are several local ones available from which we could choose and saved \$10.00 each moneth. Our computers are not even linked with our telephone! Also we would never have chosen to have your bill added to our telephone bill!

We feel this is an unscrupulous way of doing business! Our employee questioned why we received this check, but did not read the **BACK** of it. In fact, I doubt any of us would have taken the time to read the **BACK OF A CHECK!**

I am enclosing copies of the bills showing the amount of \$123.40. Please mail us your check for \$119.90. If we do not receive your check, we will turn this over to the Better Business Bureau.

Sincerely,

CAROLINA MOP MFG. CO.

PAM M. RITTER, PRESIDENT  
PMR/sm

Enc.

CC: FCC, along with copies of invoices and check we deposited

H-0007499

CYBERSPACE.COM, LLC  
P.O. Box 1891  
Helena, Montana 59624

RE: 864-225-8351

255246

DATE March 15 19 99

PAY Three Dollars & Fifty Cents

\$3.50

66-188  
531

22

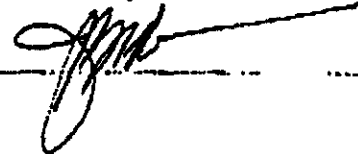
PAY  
TO THE  
ORDER OF

Carolina Mop Mfg Co  
PO Box 5072  
Anderson, SC 29623-5072



  
FIRST UNION NATIONAL BANK  
CHAPEL HILL, NC 27514

VOID AFTER 30 DAYS



⑆ 255246 ⑆ ⑆ 053101561 ⑆ 2079700058000 ⑆

CYBERSPACE.COM, LLC

000008247738401

REFERENCE NO.	DESCRIPTION	INVOICE DATE	INVOICE AMOUNT	DISCOUNT TAKEN	AMOUNT PAID
22	N/A	N/A	N/A	\$3.50	\$3.50
CHECK DATE	CHECK NO.	PAYEE		DISCOUNT TAKEN	CHECK AMOUNT
03/15/99	255246	CAROLINA MOP MFG CO		\$3.50	\$3.50

H-0007500



LETTERS IN ORDER OF BIRTH REGISTRATION

YVES ROCHER, INC., LTD.  
P.O. Box 1691  
Havana, Montmart 50014

**OLYMPIC**  
TELECOMMUNICATIONS

CAROLINA MOP CO

Account Number: 864 225-8351 079 1973

Bill Period Date: Apr 29, 1999

 For Olympic Telecommunications Inc Billing Questions, Call 1 800 368-0404

### Detailed Statement of Charges

<u>Miscellaneous Charges and Credits</u>	<u>Amount</u>
864 225-8351	
Service Provider - CYBERSPACE.COM	
Date	
1. 04/12 INTERNET SVC .....	29.95
Total Miscellaneous Charges and Credits .....	29.95
<u>Taxes</u>	<u>Amount</u>
2. Federal Tax .....	.90
Total Taxes .....	.90
Total Olympic Telecommunications Inc Current Charges .....	30.85


**OLYMPIC**  
TELECOMMUNICATIONS

Page 16

CAROLINA MOP CO

Account Number: 864 225-8351 079 1973

Bill Period Date: May 29, 1999

 For Olympic Telecommunications Inc Billing Questions, Call 1 800 368-0404

### Detailed Statement of Charges

<u>Miscellaneous Charges and Credits</u>	<u>Amount</u>
864 225-8351	
Service Provider - CYBERSPACE.COM	
Date	
1. 05/11 INTERNET SVC .....	29.95
Total Miscellaneous Charges and Credits .....	29.95
<u>Taxes</u>	<u>Amount</u>
2. Federal Tax .....	.90
Total Taxes .....	.90
Total Olympic Telecommunications Inc Current Charges .....	30.85

H-0007502

**OLYMPIC**  
TELECOMMUNICATIONS

Page 14

CAROLINA MOP CO

Account Number: 864 225-8351 079 1973

Bill Period Date: Jul 29, 1999

For Olympic Telecommunications Inc Billing Questions, Call 1 800 368-0404

**Detailed Statement of Charges**Miscellaneous Charges and Credits

864 225-8351

Service Provider - CYBERSPACE.COM

Date

1. 07/09 INTERNET SVC .....

Total Miscellaneous Charges and Credits .....

Amount

29.95

29.95

Taxes

2. Federal Tax .....

Total Taxes .....

Amount

.90

.90

~~Total Olympic Telecommunications Inc Current Charges 30.85~~**OLYMPIC**  
TELECOMMUNICATIONS

Page 14

CAROLINA MOP CO

Account Number: 864 225-8351 079 1973

Bill Period Date: Jun 29, 1999

For Olympic Telecommunications Inc Billing Questions, Call 1 800 368-0404

**Detailed Statement of Charges**Miscellaneous Charges and Credits

864 225-8351

Service Provider - CYBERSPACE.COM

Date

1. 06/10 INTERNET SVC .....

Total Miscellaneous Charges and Credits .....

Amount

29.95

29.95

Taxes

2. Federal Tax .....

Total Taxes .....

Amount

.90

.90

~~Total Olympic Telecommunications Inc Current Charges 30.85~~

H-0007503

**CYBERSPACE.COM, LLC**  
18970 Dallas Parkway  
Suite 601  
Dallas, TX 75248

Phone: 888-285-5196

July 14, 2000

FEDERAL COMMUNICATIONS COMMISSION  
CONSUMER INFORMATION BUREAU  
CONSUMER INFORMATION NETWORK DIVISION  
Informal Complaints Team  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: Carolina Mop Mfg. Co (Pam Ritter)  
IC 00-N16335  
CRAM  
July 10, 2000  
Account #: 864 225 8351

Dear Ladies and Gentlemen:

Pursuant to Section 1.711 of the Commission's Rules, this letter responds on behalf of Olympic Telecommunications, to the above-referenced Informal Complaint dated July 10, 2000.

1. a. Cyberspace.com is an Internet service provider, with high-speed connection, no set up fees, local access to most major cities and is conveniently billed to the customer's telephone bill at \$29.95 monthly. Upon subscribing, a CD is sent to the customer along with a technical support number to assist in loading the software.
  - b. Cyberspace.com sent out a promotion, via regular mail, which included information regarding our Internet service. Included in this promotion was a \$3.50 subscription refund check. The enclosed insert provided the recipient with detailed information as to what services Cyberspace.com offers and that the \$3.50 check is a refund towards their first month's subscription. If, after reading the enclosed information, an authorized agent of the business decided to sign-up for Internet access with Cyberspace.com, the check would be endorsed and cashed or deposited.
  - c. Please find enclosed, a copy of the front and back of the subscription refund check that was endorsed and deposited, which constituted agreement of subscription to Cyberspace.com.
2. Cyberspace.com's promotion, as described above, is not regulated by TDDRA or the Commission's rules promulgated thereunder. Specifically, Cyberspace.com does not provide 'pay-per call services,' as that term is defined by TDDRA. See 28 U.S.C. § 228(i), 64 C.F.R. § 1501. In addition, Cyberspace.com does not provide access to an 800 or other telephone number advertised or widely understood to be toll-free in a manner that would result in: (1) the calling party being assessed, by virtue of completing the call, a charge for the call; (2) the calling party being connected to a pay-per-call service; (3) the calling party being charged for information conveyed during the call; (4) the calling party being called back collect for the provision of audio information services or simultaneous voice conversation services; or (5) the calling party being assessed, by virtue of being asked to connect or otherwise transfer to a pay-per-call service, a charge for the call. See 47 U.S.C. § 228(c)(7) - (9), 47 C.F.R. § 64.1504.

H-0007504

FCC CONSUMER INFORMATION BUREAU  
Re: Carolina Mop Mfg. Co. (Pam Ritter)  
July 14, 2000  
Page 2 of 3

3. Not Applicable

4. At the request of the consumer, membership may be cancelled at any time simply by calling Cyberspace.com Customer Service at the 800-number provided on the front of the check and again in the insert; or Olympic Telecommunications' Customer Service 800-number provided on their telephone bill. Satisfaction is guaranteed and a full refund is issued if notice of cancellation is effected within thirty days of service activation. Ms. Ritter will be sent a copy of this letter as notification of the action taken.

a. Complainant's account has been cancelled.

Cyberspace.com and Olympic Telecommunications are deeply concerned about this incident, because we make every effort to please our customers, bill accurately, and operate in full compliance with all pertinent Commission rules. Our goal is to make sure that all persons interested in our service understand the terms and conditions of the offer.

We hope that Carolina Mop Mfg. Co. will consider using Cyberspace.com in the future as their Internet service provider. If you have any questions about this response, you may write to the address hereon. Please include account number listed above.

Sincerely,



John Sanchez  
Customer Service  
Cyberspace.com

JS/co

Enc Copy of check

cc: Carolina Mop Mfg. Co.  
Pam Ritter

Olympic Telecommunications

H-0007505

### Check Description

Co Name: CAROLINA MOP MFG CO  
Address: PO BOX 5072  
City: ANDERSON  
State: SC  
Zip: 29623

**CYBERSTREET.COM, LLC**  
P.O. Box 1691  
Helena, Montana 59624

**255246**

RE: 864-225-8351

DATE March 15 1999

PAY Three Dollars & Fifty Cents

**\$3 50**

66-156  
831

22

**PAY  
TO THE  
ORDER OF**

Carolina Mop Mfg Co  
PO Box 5072  
Anderson, SC 29623-5072



**VOID AFTER 30 DAYS**

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# 255246# 12053101561# 2079900058000#

✓0000000350.

This subscription refund check must be cashed or deposited within thirty days of issuance. Endorsement and deposit within thirty days of issuance constitute agreement of the subscriber to release, without obligation, payment to terms attached. Payee agrees to return of \$28.50 monthly due and payable in advance. Payee acknowledges that they are qualified and, in fact, do authorize these charges to appear on their phone bill as listed. Payee agrees to pay the charges as shown on the bill. Payee acknowledges that cancellation of subscription and refund in full is effected by calling toll-free number attached within thirty days of listing installation.

FOR DISPOSITION BY  
FOUND AND NOTED CO.  
EDITH'S BIRTH  
OF SCOTT COUNTY  
1911  
DO NOT SIGNIFICATE BY THE  
OFFICE OF THE COUNTY CLERK  
1911

45 52 6579

Use this space to correct any information that is address and telephone number as needed

Telephone Number ( ) \_\_\_\_\_

### Notes

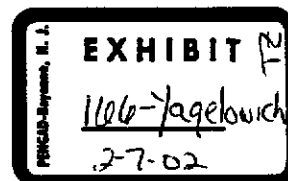
**Address:**

U3000 12/25/99  
CYCLE: 3 MOD: PKT: 1-4

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00000745103673  
1100457000

[illegible]

H-0007506



CAMPEAU & THOMAS, A LAW CORPORATION  
KATHRYN S. DIEMER, #133977  
55 S. Market Street, Suite 1660  
San Jose, California 95113  
Telephone: (408) 295-9555  
ATTORNEYS FOR FRENCH DREAMS,  
N.V. and IAN EISENBERG

POPELKA ♦ ALLARD  
JOHN CARDOSI, #111381  
One Almaden Blvd. Suite 800  
San Jose, CA 95113  
Telephone: (408) 298-6611  
ATTORNEYS FOR SPLASHNET

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SANTA CLARA

FRENCH DREAMS, N.V., IAN  
EISENBERG, and SPLASHNET, LLC

Plaintiff,

vs.

CHRIS HEBARD, COTO  
SETTLEMENT, ASIATRUST LIMITED,  
ATP DIRECTORS LIMITED, JEFF  
FRITZ, ELECTRONIC PUBLISHING  
VENTURES, LLC., INTEGRETTEL,  
INC., and DOES 1 through 50, inclusive

Defendants.

Case No.

DECLARATION OF LIA  
YAGELOWICH IN SUPPORT OF EX  
PARTE ORDER TO SHOW CAUSE  
AND TEMPORARY RESTRAINING  
ORDER

I, Lia Yagelowich, hereby declare:

1. I am employed by French Dreams. As a regular and ordinary course of my employment I co-sign checks on behalf of Electronic Publishing Ventures, LLC. and its subsidiaries, Splashnet, LLC, Cyberspace, LLC, Surfnet, LLC, Shazzba, LLC, and Essex, LLC.
2. On September 25, 2000, I received a bundle of checks for signature on behalf of these entities. I signed the checks after double checking the documentation supporting the invoices.
3. One of those checks is to Pinnacle Integretated Communications for \$17,453.70. The Pinnacle check, along with all of the other checks I co-signed on September 25, 2000 are drawn on accounts with insufficient funds. A true and correct copy of those checks and the invoices are

DECLARATION OF LIA YAGELOWICH IN SUPPORT OF EX PARTE ORDER TO SHOW CAUSE AND TEMPORARY RESTRAINING ORDER

1 attached hereto as Exhibit A to this declaration.

2 4. Late in the day on September 25, 2000, I was notified that the checks were drawn on accounts  
3 with insufficient funds. The checks had already been processed by that point and it was too late  
4 to stop them.

5 5. Normally, Jeff Fritz at EPV's southern California offices, at 6 Hutton Center, Santa Ana,  
6 California handles all money management and accounting issues for EPV and its subsidiaries.

7 To date, I have not received any tax returns or other documentation concerning the EPV  
8 subsidiaries, despite repeated requests.

9 I declare under penalty of perjury that the foregoing is true and correct and that this declaration  
10 was executed on the 27<sup>th</sup> day of September, 2000.

11 Dated: September 27, 2000

12   
LIA YAGELOWICH

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2  
DECLARATION OF LIA YAGELOWICH IN SUPPORT OF EX PARTE ORDER TO SHOW CAUSE AND TEMPORARY  
RESTRAINING ORDER



**Subject: RE: Consumer Insert**

**Date: Tue, 3 Aug 1999 18:32:55 -0700**

**From: ian@usnetwork.com**

**To: buffw@ibm.net**

Go ahead

-----Original Message-----

From: Buff Warne [\_\_\_\_\_]

Sent: Tuesday, August 03, 1999 4:23 PM

To: ian@usnetwork.com

Subject: Consumer Insert

I'm going to

Ian - Did you get my fax? Did you read it? Any comments?

print it. Speak now or forever hold your peace!

Buff

EXHIBIT

147 - Eisenberg  
2-6-02 JLB

8/4/99 10:09 AM

**Brian March**

From: Brian March  
 Sent: Friday, November 05, 1999 9 02 AM  
 To: Lia Yagelowich, Ian Eisenberg; Don Reese, Andrew Kreis; Soon Lee  
 Subject: RE: Cyberspace refund

Soon was out of the office so the CDR file containing this bill record was not loaded into the system. I've suggested that she create a tool so that others can import files in her absence.

## —Original Message—

From: Lia Yagelowich  
 Sent: Friday, November 05, 1999 8 05 AM  
 To: Ian Eisenberg, Don Reese, Andrew Kreis, Soon Lee, Brian March, Diane, Wayne, 'chebard@home.com', 'gene'  
 Subject: Cyberspace refund

I think we need to set some kind of rule for customer refund. I notice the request from CA CSR request more refund than what I see in the system.

For example: William F Hummel, an 7248434598. The system showed we billed him on 8/30 and 9/30 @ \$24.95.

CA CSR initial "ca1" was requesting for 3 mo billed for \$74.85 + \$6.75 (tax) which equal to \$81.60. I spoke with Wayne and Wayne said we bill William on 10/29.

My question is, are we sure that we really bill this person? I though all CSR should use what showed in the refund database.

From my experience with previous refund, we only refund what showed in the database. Therefore we will refund William only for 2 mo service. If he got bill again then he can call us for another refund. I notice a lot of people don't call back to request for the last refund. I think we should stick with 2 mo refund not 3.

Lia Yagelowich  
 Phone : 206-505-5519  
 Cell : 206-851-5519  
 Fax : 206-505-5523

**Brian March**

From: Wayne Chia [wayne chia@iname.com]  
 Sent: Friday, October 29, 1999 12 46 PM  
 To: DonR@usnetwork.com, BrianM@usnetwork.com, SoonL@usnetwork.com  
 Cc: ian@usnetwork.com, chebard@chebard.com, gene@capgains.com  
 Subject: Re: Billing

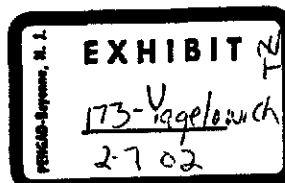
Importance: High

Follow Up Flag: Review  
 Due By: Saturday, October 30, 1999 12 49 PM  
 Flag Status: Flagged

| billing_number | date_of_call | charge |
|----------------|--------------|--------|
| 9736911144     | 990830       | 002495 |
| 9736911144     | 990930       | 002495 |

I didn't bill 10/14.

243



E-0020948

ATTORNEY COPY

**OFFICIAL TRANSCRIPT PROCEEDING**

**UNITED STATES DISTRICT COURT**

**FOR THE WESTERN DISTRICT OF WASHINGTON**

**MATTER NO. X010009 CIVIL NO. C00-1806-L**

**TITLE FTC v. CYBERSPACE.COM, LLC, ET AL.**

**PLACE FEDERAL TRADE COMMISSION  
915 SECOND AVENUE  
SUITE 2896  
SEATTLE, WASHINGTON**

**DATE FEBRUARY 4, 2002**

**PAGES 1 THROUGH 209**

**COURT DEPOSITION OF CHRIS HEBARD**

---

**FOR THE RECORD, INC.  
603 POST OFFICE ROAD, SUITE 309  
WALDORF, MARYLAND 20602  
(301)870-8025**

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v.

CYBERSPACE.COM, LLC,  
FRENCH DREAMS,  
COTO SETTLEMENT,  
ELECTRONIC PUBLISHING VENTURES, LLC,  
OLYMPIC TELECOMMUNICATIONS, INC.,  
IAN EISENBERG,  
and  
CHRIS HEBARD,  
Defendants.

915 Second Avenue  
Suite 2896  
Seattle, Washington

For The Record, Inc.  
Waldorf, Maryland  
(301) 870-8025

1 APPEARANCES:

2 ON BEHALF OF THE FEDERAL TRADE COMMISSION:

3 Mr. Michael A. Goodman, Attorney (Telephonically)

4 Ms. Collot Guerard, Attorney

5 Ms. Julie Brof

6 600 Pennsylvania Avenue NW

7 Washington, DC 20580

8 (202) 326-3071

9 ON BEHALF OF THE DEPONENT:

10 Mr. Ernest Leonard, Attorney

11 Friedman & Feiger

12 5301 Spring Valley Road, Suite 200

13 Dallas, TX 75240

14 (972) 788-1400

15 ON BEHALF OF Ian Eisenberg:

16 Jane B. Jacobs, Attorney

17 Klein, Zelman, Rothermel & Dichter

18 485 Madison Avenue

19 New York, New York 10022

20 (212) 935-6020

21 Kathryn S. Diemer, Attorney

22 Campeau Goodsell Diemer

23 38 W. Santa Clara Street

24 San Jose, CA 95113

25 (408) 295-9555

26 ALSO PRESENT:

27 Mr. Ian Eisenberg

1 P R O C E E D I N G S

2 (The witness was duly sworn.)

3 CHRIS HEBARD

4 having been first duly sworn, was examined and testified as  
5 follows:

6 EXAMINATION

7  
8 MS. GUERARD: This is a deposition pursuant to  
9 federal rules of civil procedure for all purposes allowed  
10 under those rules, and all objections except as to the form  
11 of the question are preserved, if that's acceptable to  
12 counsel.

13 MR. LEONARD: And responsiveness.

14 BY MS. GUERARD:

15 Q. Mr. Hebard, would you state your name, your Social  
16 Security number, your date of birth, your current residence  
17 and office address, please, for the record.

18 A. My name is Christopher Hebard. Do you want me to  
19 spell that?

20 Q. No.

21 A. My Social Security number is 174-42-3047. My place  
22 of residence is 3433 Colony Plaza, Newport Beach, California.  
23 I have no office any longer.

24 Q. Date of birth?

25 A. October 28th, 1952.

1 Q. Is that what the business did?

2 A. As I said before, Electronic Publishing Ventures  
3 owned other businesses whose primary business was Internet  
4 service provider, Internet access.

5 Q. Was Coto Settlement the tax member of the company,  
6 if you know?

7 MR. LEONARD: If you can answer that question  
8 without relying on communications you had with an attorney.

9 Q. Look at H-5128 and see if that refreshes your  
10 recollection.

11 A. H?

12 Q. 5128, little e, tax matter member.

13 A. This agreement states that Coto Settlement shall be  
14 the tax member of the company.

15 Q. Do you know if Coto Settlement was, if you know?

16 MR. LEONARD: Same objection and instruction  
17 regarding attorney-client privilege.

18 THE WITNESS: I'm not sure legally what that  
19 means.

20 Q. Did EPV have an address, to your knowledge?

21 MR. LEONARD: Objection; vague.

22 THE WITNESS: My guess is that one of the  
23 documents we looked at had an address for EPV.

24 Q. I can represent to you I don't think it did.

25 A. No, then I'm not sure.

1     testifying to with respect to Mr. Eisenberg.

2           Q.     Do you recall discussing the Wisconsin letter with  
3     Ian Eisenberg?

4           A.     No, not specifically.

5           Q.     But you believe that you would have discussed this  
6     Wisconsin letter with Ian Eisenberg?

7           A.     This type of inquiry would normally be discussed by  
8     us.

9                   MR. LEONARD:   I think the witness needs a  
10    few-minute break.

11                  MS. GUERARD:   Sure.

12                   (Pause in the proceeding.)

13                   (Exhibit Number 86 was marked for  
14                   identification.)

15    BY MS. GUERARD:

16           Q.     I'll show you what is marked as 86-Hebard.   It's  
17    Bates-stamped E-23630 through 23632.   I direct your attention  
18    to the last two pages.   It appears to be a letter from the  
19    State of Wisconsin dated February 2nd, 2000.

20                  MR. LEONARD:   Let me make an objection at  
21    least to the first page, which is clearly attorney-client  
22    communication.   To the extent he can answer questions about  
23    the second or third pages independently, that's all right.

24                  I am going object anyway to this document  
25    being a part of the record on the grounds of attorney-client



ATTORNEY COPY

**OFFICIAL TRANSCRIPT PROCEEDING**  
**UNITED STATES DISTRICT COURT**  
**FOR THE SOUTHWESTERN DISTRICT OF WASHINGTON**

**MATTER NO. X010009 CIVIL NO. C00-1806-L**

**TITLE FTC v. CYBERSPACE.COM, LLC, ET AL.**

**PLACE 915 SECOND AVENUE**  
**SUITE 2896**  
**SEATTLE, WASHINGTON**

**DATE FEBRUARY 6, 2002**

**PAGES 1 THROUGH 227**

**COURT DEPOSITION OF IAN EISENBERG**  
**(ON HIS OWN BEHALF)**

---

**FOR THE RECORD, INC.**  
**603 POST OFFICE ROAD, SUITE 309**  
**WALDORF, MARYLAND 20602**  
**(301)870-8025**

---

1  
2 UNITED STATES DISTRICT COURT  
3 FOR THE WESTERN DISTRICT OF WASHINGTON

4 FEDERAL TRADE COMMISSION, )  
5 )  
6 Plaintiff, )

7 vs. )

Case No. C00-1806-L

8 CYBERSPACE.COM, LLC, )  
9 FRENCH DREAMS, )  
10 COTO SETTLEMENT, )  
11 ELECTRONIC PUBLISHING )  
12 VENTURES, LLC, )  
13 OLYMPIC TELECOMMUNICATIONS, )  
14 INC., )  
15 IAN EISENBERG, )  
16 and )  
17 CHRIS HEBARD, )  
18 Defendants. )

19  
20 Wednesday, February 6, 2002

21  
22 915 Second Avenue

23 Suite 2896

24 Seattle, Washington

25  
The above-entitled matter came on for deposition  
pursuant to notice, at 9:00 a.m.

For the Record, Inc.  
Waldorf, Maryland  
(301) 870-8025

1 APPEARANCES:

2 ON BEHALF OF THE FEDERAL TRADE COMMISSION:

3 Ms. Collot Guerard  
4 Mr. Michael A. Goodman  
5 Federal Trade Commission  
6 Bureau of Consumer Protection  
7 600 Pennsylvania Avenue., NW  
8 Washington, DC 20580

9 ON BEHALF OF THE EISENBERG DEFENDANTS:

10 Ms. Jane B. Jacobs  
11 Klein, Zelman, Rothermel & Dichter  
12 485 Madison Avenue  
13 New York, New York, 10022  
14 (212) 935-6020

15 Ms. Kathryn S. Diemer  
16 Campeau Goodsell Diemer  
17 38 West Santa Clara Street  
18 San Jose, California 95133  
19 (408) 295-9555

20 ON BEHALF OF CHRIS HEBARD:

21 Mr. Ernest Leonard  
22 Friedman & Feiger  
23 5301 Spring Valley Road 200  
24 Dallas, Texas 75240  
25 (972) 788-1400

1  
2 P R O C E E D I N G S  
3 (9:00 a.m.)  
4 (The witness was duly sworn.)

5 IAN EISENBERG  
6 having been first duly sworn, was examined and  
7 testified as follows:

8 EXAMINATION

9 BY MS. GUERARD:

10 BY MS. GUERARD:

11 Q This is a deposition of defendant Ian  
12 Eisenberg under the Federal Rules of Civil Procedure  
13 for all purposes allowed by those rules. All  
14 objections except as to the form of the question are  
15 reserved if that's acceptable to counsel.

16 MS. JACOBS: Yes.

17 MR. LEONARD: And the responsiveness of the  
18 answer. And I don't know, did we make that stipulation  
19 yesterday in the beginning of the deposition?

20 MS. GUERARD: I'm not certain.

21 MR. LEONARD: Can we make an agreement that  
22 the same stipulations would apply?

23 MS. GUERARD: Yes.

24 MR. LEONARD: Thank you.

25 MS. GUERARD: I don't have any objection to

For the Record, Inc.  
Waldorf, Maryland  
(301) 870-8025

1 A I have no reason to doubt that.

2 Q Okay.

3 (Eisenberg Exhibit No. 152 marked for  
4 identification.)

5 BY MS. GUERARD:

6 Q I hand you a document that's marked Exhibit  
7 152. It is DR3844. It appears to be a printout of an  
8 e-mail dated or an e-mail exchange dated June 14th,  
9 2000, involving a number of people, including Ian at US  
10 Network.com.

11 I ask you to take a look at that,  
12 particularly with reference to the last entry at 9:45  
13 a.m. Do you see that part of the e-mail?

14 A Could you clarify what you mean by "last"?

15 Q The one that there's a e-mail from Ian at US  
16 Network.com at 9:45 a.m. Do you see that e-mail?

17 A Yes. Yes, I see that.

18 Q What does that, what is your message on that  
19 e-mail, if you could read that.

20 Could you read that, please.

21 A "We need a whole submission package for  
22 Shazzba ASAP to submit to Telcos."

23 Q What does "ASAP" mean?

24 A As soon as possible.

25 Q Do you have any recollection of writing that?

1 A Not independently of this.

2 Q Do you know why you wrote that?

3 A Probably wanted a submission package. That's  
4 what this says.

5 MS. JACOBS: I'm going belatedly to object  
6 because it assumes that he said it or that this is a  
7 authentic document.

8 BY MS. GUERARD:

9 Q Did Shazzba ever send out any promotional  
10 materials?

11 A I don't know.

12 Q Have you heard of a company "Pinnacle"?

13 A Yes.

14 Q Did Pinnacle provide any services to the EPV  
15 subsidiaries?

16 A Yes, I believe so.

17 Q What did it do?

18 A I believe Pinnacle provided customer service.

19 Q By telephone?

20 A Yes, I believe so.

21 Q Did it respond in writing to any consumer  
22 complaints?

23 A I don't think so.

24 Q Do you know where Pinnacle was located?

25 A I don't recall.

For the Record, Inc.  
Waldorf, Maryland  
(301) 870-8025

ATTORNEY COPY

**OFFICIAL TRANSCRIPT PROCEEDING**  
**UNITED STATES DISTRICT COURT**  
**FOR THE SOUTHWESTERN DISTRICT OF WASHINGTON**

**MATTER NO. X010009 CIVIL NO. C00-1806-L**

**TITLE FTC v. CYBERSPACE.COM, LLC, ET AL.**

**PLACE 909 FIRST AVENUE**  
**SUITE 90**  
**SEATTLE, WASHINGTON**

**DATE FEBRUARY 8, 2002**

**PAGES 1 THROUGH 152**

**COURT DEPOSITION OF DON REESE**

**VOLUME 1**

---

**FOR THE RECORD, INC.**  
**603 POST OFFICE ROAD, SUITE 309**  
**WALDORF, MARYLAND 20602**  
**(301)870-8025**

---

For The Record, Inc.  
Waldorf, Maryland  
(301) 870-8025



1 APPEARANCES:  
2 ON BEHALF OF THE FEDERAL TRADE COMMISSION:  
3 Mr. Michael A. Goodman, Attorney  
4 Ms. Collot Guerard, Attorney  
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7 (202) 326-3071  
8  
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10 Mr. William R. Zoberst, Attorney  
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12 600 Steward Street, Suite 305  
13 Seattle, WA 98101-1257  
14 (206) 386-7393  
15  
16 ON BEHALF OF CHRIS HEBARD:  
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22  
23 ON BEHALF OF IAN EISENBERG:  
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ALSO PRESENT:  
Mr. Ian Eisenberg

For The Record, Inc.  
Waldorf, Maryland  
(301) 870-8025

1 PROCEEDINGS

2 (The witness was duly sworn.)

3 DON REESE, VOL I

4 having been first duly sworn, was examined and testified as  
5 follows:

6 EXAMINATION

7 BY MR. GOODMAN:

8 Q. Mr. Reese, will you state your name, please.

9 A. Don Martin Reese, III.

10 Q. What's your Social Security number?

11 A. 492-80-7479.

12 Q. When is your birthday?

13 A. 3-5-64.

14 Q. What's your address, your home address?

15 A. My current home address is 3302 North 7th Street,  
16 No. 359, Phoenix, Arizona 35014.

17 Q. Before we get started with the substance, there are  
18 just a few preliminary questions I want to ask so that we can  
19 establish some ground rules for the deposition.

20 The first is: Will you agree to let me finish  
21 a question before you answer it?

22 A. Yes.

23 Q. Will you agree to answer verbally because that's  
24 the only kind of answer that the court reporter can take  
25 down?

1 subsequently dropped.

2 Q. During the peak time what percentage of your time  
3 was spent working on the EPV subsidiaries?

4 A. 20 percent.

5 Q. Can you tell me what percentage of Mr. Eisenberg's  
6 time was spent working on the EPV subsidiaries?

7 A. Again, at what point in time?

8 Q. During the peak time that you mentioned in 2000.

9 A. Half, 50 percent.

10 Q. Do you recognize the name John Biddinger?

11 A. Yes.

12 Q. Did he work at 2722 Eastlake?

13 A. He was not on the payroll, no. No, he didn't work  
14 there.

15 Q. Did he have an office at 2722 Eastlake?

16 A. No.

17 Q. Did he have a position with any of the EPV  
18 subsidiaries?

19 A. He was listed as president in the early days of the  
20 program.

21 Q. Of which program?

22 A. It was either EPV or Cyberspace. I don't know  
23 which of the two.

24 Q. Do you know what his responsibilities were as  
25 president?

1 A. Yes.

2 Q. Where did you stay?

3 A. Wyndham.

4 Q. Are you here under subpoena? Do you know?

5 A. Yes.

6 Q. Whose decision was it that you would be deposed in  
7 Seattle rather than in Arizona?

8 Mr. ZOBERST: I object to that question. That  
9 calls for an invasion of the privilege.

10 MS. JACOBS: It wasn't my intent.

11 Q. While you were working for the Eisenberg  
12 companies -- that's what I'll refer to as the various  
13 companies over which you were chief operating officer. Is  
14 that acceptable to you?

15 A. Yes.

16 Q. In that definition I include the EPV subsidiaries  
17 and EPV, just so we are clear on the definition.

18 A. Just so we are clear that I was not chief operating  
19 officer of those companies.

20 Q. I understand. While you were working -- all right.  
21 I see your point.

22 During the time that you worked for  
23 Mr. Eisenberg -- is that a fair way to characterize it? --  
24 did you personally have an ethical problem with the EPV  
25 promotions?